

20May05 - SVK

Criminal Code

-Slovak Republic-

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Act 300/2005 Coll. of 20 May 2005

CRIMINAL CODE

The National Council of the Slovak Republic has adopted the following Act:

PART ONE GENERAL PART

Section 1 Purpose of the Act

The purpose of the present Act is to regulate foundations of criminal liability, types and imposition of punishments and protective measures, and bodies of criminal offences.

CHAPTER ONE SCOPE OF THE ACT AND FOUNDATIONS OF CRIMINAL LIABILITY

Title One Criminal Code and its Scope

Section 2 Applicability in Time

(1) The criminal liability for an act shall be determined and the punishment shall be imposed according to the law applicable at the time of its

commission. When several new laws have taken effect between the time of commission of the act and the delivery of judgement, the criminal liability for an act shall be determined and the punishment shall be imposed according to the law, which is more favourable for the offender.

(2) Where it is more favourable for the offender, he may receive a penalty provided for in the law which is in force at the time of the proceedings on the criminal offence.

(3) Unless this Act provides otherwise, a protective measure shall be imposed pursuant to the law effective at the time of taking the decision on the protective measure concerned.

Section 3 Territorial Applicability

(1) This Act shall be applied to determine the criminal liability for an act committed on the territory of the Slovak Republic.

(2) The criminal offence is considered as having been committed on the territory of the Slovak Republic even if the offender

a) committed the act, at least in part, on its territory, if the actual breach of or threat to an interest protected under this Act took place or was intended to take place, in whole or in part, outside of its territory, or

b) committed the act outside of the territory of the Slovak Republic, if the actual breach of or threat to an interest protected under this Act was intended to take place on its territory, or such a consequence should have taken place, at least in part, on its territory.

(3) This Act shall also be applied to determine the criminal liability for an act committed outside of the territory of the Slovak Republic aboard a vessel navigating under the State flag of the Slovak Republic, or aboard an aircraft entered in the aircraft register of the Slovak Republic.

Personal Applicability Section 4

This Act shall also be applied to determine the criminal liability for an act committed outside of the territory of the Slovak Republic by a Slovak national or a foreign national with permanent residency status in the Slovak Republic.

Section 5

This Act shall also be applied to determine the criminal liability for a particularly serious felony if the act was committed outside of the territory of the Slovak Republic against a Slovak national, and if the act gives rise to criminal liability under the legislation effective in the place of its commission, or if the place of its commission does not fall under any criminal jurisdiction.

Section 5a

This Act shall be applied to determine the criminal liability for the criminal offence of illicit manufacturing and possession of narcotics or psychotropic substances, poisons or precursors, and trafficking in them (Section 171 and 172) forgery, fraudulent alteration and illicit manufacturing of money and securities (Section 270), uttering counterfeit, fraudulently altered and illicitly manufactured money and securities (Section 271), manufacturing and possession of instruments for counterfeiting and forgery (Section 272), forgery, fraudulent alteration and illicit manufacturing of duty stamps, postage stamps, stickers and postmarks (Section 274), forgery and fraudulent alteration of control technical measures for labelling goods (Section 275), establishing, masterminding and supporting a terrorist group or its member (Section 297), illicit manufacturing and possession of nuclear materials, radioactive substances, hazardous chemicals and hazardous biological agents and toxins (Section 298 and 299), plotting against the Slovak Republic (Section 312), terror (Section 313 and 314), destructive actions (Section 315 and 316), sabotage (Section 317), espionage (Section 318), assaulting a public authority (Section 321), assaulting a public official (Section 323), countefeiting and altering a public instrument, official seal, official seal-off, official emblem and official mark (Section 352), jeopardising the safety of confidential and restricted Information (Section 353), smuggling of migrants (Section 355), endangering peace (Section 417), genocide (Section 418), terrorism and some forms of participation on terrorism (section 419), brutality (Section 425), using prohibited weapons and unlawful warfare (Section 426), plundering in the war area (Section 427), misuse of internationally recognised and national symbols (Section 428), war atrocities (Section 431), persecution of civilians (Section 432), lawlessness in the wartime (Section 433), even if such act was committed outside of the territory of the Slovak Republic by an alien who has not his/her permanent residence on the territory of the Slovak Republic.

Section 6

(1) This Act shall be applied to determine the criminal liability for an act committed outside of the territory of the Slovak Republic by a foreign national who does not have a permanent residency status in the Slovak Republic also where

a) the act gives rise to criminal liability under the legislation effective on the territory where it was committed,

b) the offender was apprehended or arrested on the territory of the Slovak Republic, and

c) was not extradited to a foreign State for criminal prosecution purposes.

(2) However, the offender referred to in paragraph 1 may not be imposed a more severe punishment than that allowed under the law of the State on the territory of which the criminal offence was committed.

Section 7

Applicability under International Instruments

(1) This Act shall be applied to determine the criminal liability also when it is prescribed by an international treaty ratified and promulgated in a manner defined by law, which is binding for the Slovak Republic.

(2) Provisions of Sections 3 through 6 shall not apply if their use is prohibited by an international treaty ratified and promulgated in a manner defined by law, which is binding for the Slovak Republic.

Section 7a

Jurisdiction to impose protective measures

(1) Protective measure pursuant to this act may be imposed if the punishability of the act is considered in connection with which the protective measure has to be imposed.

(2) Provision of the paragraph 1 shall be applied even if the offender of the act, otherwise punishable, is not criminally liable or of a person that cannot be prosecuted or convicted, is concerned.

Title Two

Foundations of Criminal Liability

DIVISION ONE

CONCEPT OF CRIMINAL OFFENCE AND TYPES OF CRIMINAL OFFENCES

Section 8

Criminal Offence

A criminal offence is any unlawful act that meets the elements set out in this Act, unless this Act provides otherwise.

Section 9 Types of Criminal Offences

A criminal offence is either a minor offence or a crime.

Section 10 Minor Offence

(1) A minor offence is

- a) a criminal offence committed by negligence, or
- b) an intentional criminal offence, for which the Special Part of this Act sets out a maximum custodial penalty of not more than five years.

(2) The act shall not constitute a minor offence if it is of lesser seriousness in view of the mode of its commission and consequences, the circumstances of its commission, the degree of causation, and the motivation of the offender.

Section 11 Crime

(1) A crime is an intentional criminal offence carrying a maximum custodial penalty of more than five years pursuant to the Special Part of this Act.

(2) An intentional minor offence which, because of its seriousness, carries a maximum custodial penalty of more than five years shall also be deemed as a crime.

(3) A crime carrying a custodial penalty of more than eight years under this Act shall be considered as a particularly serious crime.

Section 12 Place of Commission of a Criminal Offence

The place of commission of a criminal offence means any place, in which

- a) the offender has acted, or
- b) the consequence of a criminal offence was manifested, or where the offender intended it to be manifested.

Section 13 Preparation for Committing a Crime

(1) Preparation for committing a crime means wilful organisation of a criminal act, procurement or adaptation of means or instruments for its commission, associating, grouping, instigating, contracting, abetting or aiding in such crime, or other deliberate actions designed to create conditions for its commission, where a crime has been neither attempted nor completed.

(2) Preparation for committing a felony shall carry the same punishment as the crime, for which it has been intended.

(3) The punishability of the preparation for committing a crime shall become extinguished if the offender willfully

a) stopped performing the action leading to the commission of a crime, and removed the threat to an interest protected under this Act presented by the preparation, or

b) gave information about the preparation for committing a crime at such time when it was still possible to remove the threat to an interest protected under this Act presented by the preparation. Such information shall be submitted to the authorities with competence for criminal proceedings or to the Police Force. Members of the armed forces may give such information to their superior officers. Persons serving their imprisonment sentences or remanded in custody may give such information also to the officers of the Corps of Prison and Court Guard of the Slovak Republic.

(4) The application of paragraph 3 does not, however, prejudice the criminal liability of the offender for a different criminal offence he had already committed through such an action.

Section 14 Attempted Criminal Offence

(1) An attempted criminal offence is an action directly leading to the completion of a criminal offence performed by an offender with the intent to commit a criminal offence, which has not been completed.

(2) The attempted criminal offence shall carry the same punishment as the completed criminal offence.

(3) The punishability of the attempted criminal offence shall become extinguished if the offender willfully

a) stopped performing the action leading to the completion of a criminal offence, and removed the threat to an interest protected under this Act presented by the attempt, or

b) gave information about the attempted criminal offence at such time when it was still possible to remove the threat to an interest protected under this Act presented by the attempt. Such information shall be submitted to the authorities with competence for criminal proceedings or to the Police Force. Members of the armed forces may give such information to their superior officers. Persons serving their imprisonment sentences or remanded in custody may give such information also to the officers of the Corps of Prison and Court Guard of the Slovak Republic.

(4) The application of paragraph 3 does not, however, prejudice criminal liability of the offender for a different criminal offence he had already committed through such an action.

Causation Section 15

An intentional criminal offence is that where the offender

a) acting in a manner defined in this Act, had the intent to infringe or prejudice an interest protected under this Act, or

b) was aware that his act was likely to cause such infringement or prejudice, and was prepared to accept that consequence, should it occur.

Section 16

A criminal offence committed by negligence is that where the offender

a) knew that by acting in a manner defined in this Act he could infringe or prejudice an interest protected under this Act, but presumed without good reasons that no such infringement or prejudice would be caused, or

b) did not know that his act could cause such infringement or prejudice although, considering the circumstances and his personal situation, he should and could have been aware of it.

Section 17

An act committed by a natural person shall carry criminal liability only in case of intentional causation, unless it is explicitly stated in this Act that causation by negligence is sufficient.

Section 18

An aggravating circumstance or other circumstance that attracts a higher penalty shall be taken into account

- a) if it has a more serious consequence, including where the offender caused it by negligence, unless this Act provides for intentional causation even in this case, or
- b) if other consideration exists, even if the offender was not aware of it although, considering the circumstances and his personal situation, he should and could have known it, unless this Act explicitly requires that the offender be aware of such a circumstance.

DIVISION TWO OFFENDER, ACCOMPLICE AND ABBETOR OF A CRIMINAL OFFENCE

Section 19 Offender

- (1) An offender of a criminal offence is the person who committed a criminal offence acting on his own.
- (2) Only a natural person may be considered as the offender of a criminal offence.

Section 20 Accomplice

If a criminal offence was committed by two or

more persons acting in conjunction (accomplices), each of them has the same criminal liability as the single person who would commit such a criminal offence.

Section 21 Abettor

- (1) An abettor to a completed or attempted criminal offence is any person who intentionally
 - a) masterminded or directed the commission of a criminal offence (organiser)
 - b) instigated another person to commit a criminal offence (instigator),

c) asked another person to commit a criminal offence (hirer),

d) assisted another person in committing a criminal offence, in particular by procuring the means, removing the obstacles, providing an advice, strengthening the determination, making a promise of post crime assistance (aider).

(2) Unless this Act provides otherwise, the criminal liability of an abettor shall be governed by the same provisions as the criminal liability of an offender.

DIVISION THREE CIRCUMSTANCES EXCLUDING CRIMINAL LIABILITY

Section 22 Age

(1) The person who has not reached the age of fourteen at the time of commission of the criminal offence may not be held criminally liable.

(2) The person may not be held criminally liable for sexual abuse under Section 201 if he has not reached the age of fifteen at the time of its commission.

Section 23 Insanity

No person incapable of judging the seriousness of an act, which otherwise gives rise to criminal liability, at the time of its commission, or to exercise self-restraint because of mental disorder may be held criminally liable for such an offence, unless this Act provides otherwise.

DIVISION FOUR CIRCUMSTANCES EXCLUDING UNLAWFULNESS OF AN ACT

Section 24 Extreme necessity

(1) An act, which otherwise gives rise to criminal liability, shall not be considered as a criminal offence if it is performed in order to avert a direct threat to an interest protected under this Act.

(2) Extreme necessity shall not be invoked where the direct threat to an interest protected under this Act could have been, under given circumstances, averted otherwise, or where the caused consequence is apparently more serious than the probable consequence of the threat. Likewise, extreme necessity shall not be invoked where the person facing a

direct threat has the duty prescribed by a generally binding legal regulation to accept the risk of such a threat.

Section 25 Necessary Self-defence

(1) An act, which otherwise gives rise to criminal liability, shall not be considered as a criminal offence if it is performed in order to avert an impending or actual attack on an interest protected under this Act.

(2) Necessary self-defence shall not be invoked if the intensity of defence clearly exceeds the intensity of an attack, in particular in view of the mode, place, time of an attack, the circumstances related to an assailant or a defender.

(3) Any person who averts an attack in a manner referred to in paragraph 2 shall not be held criminally liable if he acted in a state of intense agitation caused by an attack, in particular as a consequence of confusion, fear or fright.

(4) Where any person, given the circumstances of the case, assumes the threat of an attack erroneously, he shall not be exempted from the criminal liability for an act committed by negligence if an error consists in negligence.

Section 26 Authorised Use of a Weapon

(1) The use of a weapon in compliance with the law shall not be considered as a criminal offence.

(2) The weapon shall also be used in compliance with the law by any person in his dwelling against another person to protect life, limb or property if the latter has forcibly entered the dwelling, or unlawfully stayed there, although it is not a necessary self-defence. This shall not apply if a death was intentionally caused to another as a consequence.

Section 27 Permissible Risk

(1) An act, which otherwise gives rise to criminal liability, shall not be considered as a criminal offence if it is performed by a person who, in accordance with the latest knowledge and information, carries out socially beneficial activities in the field of manufacturing and research that could endanger an interest protected under this Act, provided that it is not

possible to obtain social benefit expected from the performance of such an act without taking the risk.

(2) Permissible risk shall not be invoked if the objective of an act is clearly disproportionate to the degree of the risk involved, or if the act is contrary to a generally binding legal regulation, public interest, principles of humanity or ethical conduct.

Section 28

Exercising Rights and Performing Duties

(1) An act, which otherwise gives rise to criminal liability, shall not be considered as a criminal offence if it constitutes the exercise of rights or the performance of duties prescribed by a generally binding legal regulation, resulting from the decision of a court or other public authority, connected with the fulfilment of work assignments or other tasks, or resulting from an agreement which does not breach or circumvent the law, provided that such rights are exercised and duties are fulfilled in a lawful manner.

(2) Provision of paragraph 1 shall not apply if the criminal offence of genocide pursuant to Section 418 or the criminal offence of brutality pursuant to Section 425 was committed by fulfilment of an order, instruction, imperative or a guideline of a public authority body or of a superior.

(3) Provision of paragraph 1 shall not apply if the criminal offence of lawlessness in the wartime pursuant to Section 433 was committed by fulfilment of an order, instruction, imperative or a guideline of a public authority body or of a superior, unless the person who pursued such order, instruction, imperative or the guideline

a) had a legal obligation to fulfil such order, instruction, imperative or the guideline,

b) did not know that the order, instruction, imperative or the guideline concerned was unlawful, and

c) the content of such order, instruction, imperative or the guideline did not suggest that it was unlawful.

Section 29

Consent of the Injured Party

(1) An act, which otherwise gives rise to criminal liability, shall not be considered as a criminal offence if it was performed with the consent of the injured party and is not prejudicial to the latter's life or limb.

(2) The injured party shall not be deemed as having consented to the act if he has not given his consent prior to the act, if the consent was not serious and voluntary, or if another criminal offence has been committed in connection with the act concerned.

(3) Provision of paragraph 1 shall not apply if, in compliance with the body of a criminal offence, the act shall be considered as a criminal offence even if it has been consented by the injured party pursuant to paragraph 1.

Section 30 **Acting as an Agent**

(1) An act, which otherwise gives rise to criminal liability, whereby an agent appointed in compliance with the special regulation endangers or infringes an interest protected under this Act in the course of disclosing a criminal offence or identifying its offender, shall not constitute a criminal offence if he has been forced to do so by the criminal group or the terrorist group, in which he operates, or he committed such an act because of reasonable concerns about the life or limb of himself or of a close person.

(2) The provision of paragraph 1 shall not apply if the agent commits the criminal offence of first degree murder pursuant to Section 144, murder pursuant to Section 145, rape pursuant to Section 199, sexual violence pursuant to Section 200, sexual abuse pursuant to Section 201, endangering the public safety pursuant to Section 284 paragraphs 2 through 4, endangering the safety of an aircraft or a vessel pursuant to Section 291, hijacking an aircraft to a foreign country pursuant to Section 293, high treason pursuant to Section 311, plotting against the Slovak Republic pursuant to Section 312, terror pursuant to Sections 313 and 314, destructive actions pursuant to Sections 315 and 316, sabotage pursuant to Section 317, espionage pursuant to Section 318, genocide pursuant to Section 418, terrorism and some forms of participation on terrorism pursuant to Section 419, or acts against humanity pursuant to Section 425, or if he causes grievous bodily harm or death through an act referred to in paragraph 1.

(3) An act otherwise defined as criminal in Sections 332 through 335 and Section 336 paragraph 2, carried out in compliance with the Code of Criminal Procedure in order to disclose a criminal offence or identify the offender of a criminal offence defined in Sections 326, 328 through 331, or in Section 336 paragraph 1, shall not constitute a criminal offence.

CHAPTER TWO SANCTIONS

Title One Types of Sanctions

Section 31 Penalty and Protective Measure

(1) Sanctions as defined in this Act shall consist of penalties and protective measures, imposed as a legal consequence of the commission of a criminal offence or an act otherwise considered as criminal.

(2) A penalty shall involve the restriction of personal freedom, property rights or other rights of the sentenced person, and may be imposed on the offender only by a court for the commission of a criminal offence defined in this Act.

(3) A protective measure shall involve the restriction of personal freedom or property rights of the sentenced or other person, and may be imposed only by a court to protect the society from criminal offences or acts considered as criminal under this Act.

Section 32 Types of Penalties

A court may, as a consequence of committed criminal offences, impose on an offender who is a natural person only the following penalties

- a) imprisonment,
- b) home arrest,
- c) community service work,
- d) pecuniary penalty,
- e) forfeiture of property,
- f) forfeiture of a thing,
- g) prohibition to undertake certain activities,
- h) prohibition of residence,
- i) loss of honorary titles and distinctions,

j) loss of military and other rank,

k) expulsion.

Section 33 Types of Protective Measures

Protective measures are:

a) protective medical treatment,

b) protective re-education,

c) protective supervision,

d) detention,

e) confiscation of a thing

f) confiscation of a sum of money,

g) confiscation of a property.

Title Two General Sentencing Guidelines

Section 34 Guidelines for Imposition of Penalties

(1) A penalty serves the purpose of protecting the society from the perpetrator of crime by preventing him from continuing to commit crime, and creating conditions for his re-education with a view to making him lead a regular life and, at the same time, discouraging other persons from committing crime; moreover, a penalty expresses moral condemnation of the offender by the society.

(2) An offender may be imposed only the type and degree of penalty that is provided for in this Act; a Special Part of this Act sets out the sentencing guidelines governing exclusively a custodial sentence.

(3) A penalty is intended to punish only the offender, so as to minimise the impact on the offender's family and his close persons.

(4) A court determines the type and the degree of penalty in particular on the basis of the mode of the commission of crime and its consequence, culpability, motive, aggravating circumstances, mitigating circumstances,

the person of the offender, his personal situation and rehabilitation potential.

(5) In determining the type and amount of punishment, the court shall consider

a) in the case of accomplices, also the extent, to which the actions performed by each of them have contributed to the commission of the criminal offence,

b) in the case of an organiser, a person who commissioned the criminal offence, an instigator, and an abettor, also the importance and character of their participation in the commission of the criminal offence,

c) with regard to the preparation for a felony and the attempted criminal offence, also the extent, to which the actions performed by the offender have brought the criminal offence nearer to its completion as well as the circumstances and reasons for its non-completion.

(6) The penalties referred to in Section 32 may be imposed separately or concurrently. The court shall have to impose a custodial sentence for every criminal offence which, according to the Special Part of this Act, carries a maximum custodial penalty of at least five years.

(7) The following penalties may not be imposed concurrently:

a) imprisonment and home arrest,

b) imprisonment and community service work,

c) pecuniary penalty and forfeiture of property,

d) forfeiture of a thing and forfeiture of property,

e) prohibition of residence and expulsion.

(8) When the court delivers a life sentence, it may also decide not to grant the possibility of parole to the offender who

a) committed two or more particularly serious felonies,

b) met two or more parallel conditions warranting the application of a higher sentencing rate,

c) committed the criminal offence as a member of a criminal group or a terrorist group, or

d) was already punished for committing the criminal offence referred to in Section 47 paragraph 2.

Section 35

Guidelines for Imposition of Protective Measures

(1) A protective measure may be imposed on the perpetrator of a criminal offence either in conjunction with a penalty or, even if the penalty has been waived, as a separate measure if it guarantees the protection of the society from the offender better than a penalty.

(2) When imposing a protective measure, it shall be necessary to minimise its impact on the person's family and close persons.

(3) A protective measure may be imposed also on the perpetrator of the act, which otherwise gives rise to criminal liability, or on other person if it is necessary to protect the society from the commission of more criminal offences.

(4) A protective supervision may not be imposed in combination with a protective upbringing.

(5) When imposing protective measures, a court shall not be guided by the principle of proportionality with regard to the committed act, but by the need to protect the society, while taking into account the need for treatment, upbringing, or the need to complete the reeducation of the offender or other person.

(6) A protective measure shall have to be withdrawn as soon as it has attained its purpose, or upon the expiry of the period, for which it was imposed, or after the sentenced or other person has reached the age prescribed by law.

Mitigating and aggravating circumstances

Section 36

A mitigating circumstances shall be as follows:

a) the offender has committed the criminal offence in a state of justified emotional distress,

b) the offender has committed the criminal offence because of the lack of knowledge or experience,

c) the offender has committed the criminal offence due to the consequences of an illness,

- d) the offender has committed the criminal offence at an age close to that of juveniles or as an elderly person, if this fact had an influence on his mental or volitional ability,
- e) the offender has committed the criminal offence under the pressure of dependency or subordination,
- f) the offender has committed the criminal offence under threat or duress,
- g) the offender has committed the criminal offence due to an emergency that he did not bring about himself,
- h) the offender has committed the criminal offence under the influence of a stressful personal or family situation, which he did not cause himself,
- i) the offender has committed the criminal offence trying to avert an attack or other danger, or acting under the circumstances which, subject to the fulfilment of other conditions, exclude criminal liability without, however, fully meeting the requirements of necessary self-defence, extreme necessity, exercising the rights or performing the duties or the consent of the injured party, authorised use of a weapon, permissible risk, or acting as an agent,
- j) the offender had led a regular life before he committed the criminal offence, k) the offender contributed to the elimination of adverse effects of the criminal offence, or voluntarily offered compensation for inflicted damage,
- l) the offender confessed to having committed the criminal offence, and showed signs of effective repentance,
- m) the offender reported his criminal offence to the competent authorities,
- n) the offender co-operated with the competent bodies in the investigation of his criminal activities, or
- o) the offender contributed to identifying or convicting an organised group, a criminal group, or a terrorist group.

Section 37

An aggravating circumstances shall be as follows:

- a) the offender has committed the criminal offence due to a particularly despicable reason,

- b) the offender has committed the criminal offence as a retaliation against another person who, in dealing with the offender, fulfilled his obligations prescribed by law or other generally binding legal regulation, in particular against a pedagogue employee or professional employee,
- c) the offender has committed the criminal offence to prevent or frustrate the exercise of another person's fundamental rights or freedoms, or to facilitate or cover up another criminal offence,
- d) the offender has committed the criminal offence during a natural disaster or other extraordinary event seriously endangering the life or limb of people, other fundamental rights and freedoms, the constitutional system, property, public order or morality,
- e) the offender has abused his employment, occupation, function or position to obtain an unlawful or undue advantage,
- f) the offender has committed the criminal offence in public,
- g) the offender has committed the criminal offence in a place, which enjoys special protection under a generally binding legal regulation, in particular the house or flat of another person,
- h) the offender has committed more than one criminal offence,
- i) the offender has misused a person who is not criminally liable to commit the criminal offence, j) the offender has incited a juvenile to committing a criminal offence,
- k) the offender has committed the criminal offence as its organiser,
- l) the offender has committed the criminal offence in association with a foreign power or a foreign official, or
- m) the offender was already convicted for a criminal offence; the court, considering the nature of the previous conviction, may decide not to consider it as an aggravating circumstance.

Section 38

(1) The circumstance that constitutes the statutory element of a criminal offence may not be considered as a mitigating circumstance, an aggravating circumstance, the circumstance warranting a lower than minimum statutory penalty, or the circumstance warranting a higher penalty.

(2) When determining the type and degree of penalty, the court shall have to take account of the relative weight and importance of mitigating and aggravating circumstances.

(3) If the weight of mitigating circumstances prevails, maximum statutory penalty shall be reduced by one third.

(4) If the weight of aggravating circumstances prevails, minimum statutory penalty shall be increased by one third.

(5) In case of a repeated felony, the statutory minimum penalty shall be increased by one half; and the provision of paragraph 4 shall not apply.

(6) In case of repeated commission of a particularly serious felony, the minimum statutory penalty shall be increased by two thirds; and the provisions of paragraphs 4 and 5 shall not apply.

(7) The provisions of paragraphs 4 through 6 shall not apply in case of concurrent sentences or cumulative sentences pursuant to Section 41 paragraph 2 or Section 42 if the parallel application of these provisions were inappropriately harsh on the offender.

(8) Maximum penalty shall be reduced or minimum penalty shall be increased in cases defined in paragraphs 3 through 6 only within the applicable statutory penalty range; the basis for reducing or increasing the penalty shall be the difference between the maximum and the minimum statutory penalty. Maximum statutory penalty may not be reduced, nor may minimum statutory penalty be increased in case of criminal offences which, according to the Special Part of this Act, carry a custodial penalty of twenty-five years or life imprisonment.

Section 39 **Exceptional Reduction of a Custodial Penalty**

(1) If, given the circumstances of the case or personal situation of the offender, the court believes that the imposition of a custodial penalty pursuant to this Act would be inappropriately harsh, and that a shorter-term punishment would be sufficient to protect the society, it may reduce the term of imprisonment below the minimum rate set out in this Act.

(2) The court may also reduce the term of imprisonment below the minimum rate set out in this Act also when sentencing an offender

a) for preparing a felony or for an attempted criminal offence if it believes that, considering the nature and gravity of preparation or attempt, a

custodial sentence pursuant to this Act would be inappropriately harsh, and that a shorter-term punishment would be sufficient to protect the society,

b) who has significantly contributed to clarifying a criminal offence committed for the benefit of a criminal group or a terrorist group, or who helped to prevent the commission of a criminal offence prepared or attempted by another person for the benefit of a criminal group or a terrorist group by reporting those other persons' actions to the authorities with competence for criminal proceedings, and providing them with information they would be otherwise unable to obtain, thus enabling them to prevent or mitigate the consequences of the criminal offence, identify or convict its offenders, and secure the evidence of the criminal offence with a view to the conviction of a criminal group or a terrorist group,

c) who has committed a criminal offence in a state of diminished sanity, and the court is of the opinion that, considering the offender's health condition, the purpose of protecting the society can be achieved also by a reduced penalty and protective treatment; the court shall impose a reduced penalty and concurrent protective treatment without being bound by the restrictions set out in paragraph 3,

d) in plea bargain proceedings, or

e) who has made a particularly significant contribution to clarifying the criminal offence of corruption pursuant to the relevant Sections of Chapter VIII Title Three of this Act, the criminal offence of establishing, masterminding or supporting a criminal group pursuant to Section 296, the criminal offence of establishing, masterminding or supporting a terrorist group pursuant to Section 297, or a particularly serious felony committed by an organised group, a criminal group or a terrorist group, or to identifying or convicting offenders of such criminal offences by providing evidence thereof in criminal proceedings, if the court believes that, considering the nature and degree of the crime committed, the purpose of punishment can be achieved also by a reduced penalty; custodial penalty may not be reduced below the minimum rate for a person who organised, instigated or commissioned a crime, of which he has submitted evidence in criminal proceedings.

(3) However, when considering less than statutory penalty, the court may not impose

a) a custodial penalty of less than twenty years if the offender is convicted of criminal offence of first degree murder pursuant to Section 144 paragraph 3, genocide pursuant to Section 418 paragraph 3, terrorism and some forms of participation on terrorism pursuant to Section 419

paragraphs 3 and 4, acts against humanity pursuant to Section 425 paragraph 2, or war atrocity pursuant to Section 433 paragraph 2,

b) a custodial penalty of less than eight years if the Special Part of this Act sets out an imprisonment sentence of at least fifteen years,

c) a custodial penalty of less than five years if the Special Part of this Act sets out an imprisonment sentence of at least ten years,

d) a custodial penalty of less than two years if the Special Part of this Act sets out an imprisonment sentence of at least five years,

e) a custodial penalty of less than six months if the Special Part of this Act sets out an imprisonment sentence of less than five years,

f) prohibition to undertake certain activities, prohibition of residence, or expulsion for a period of less than six months.

(4) In plea bargaining proceedings, the court may impose a custodial sentence that is one third lower than a minimum statutory penalty or, in case of criminal offences referred to in paragraph 3 (a), a custodial penalty of at least twenty years.

Section 40 Waiver of Punishment

(1) The punishment of the perpetrator of a minor offence that did not result in death or grievous bodily injury may be waived if a) the offender confessed to having committed the minor offence, shows signs of effective repentance, and makes effective effort at his rehabilitation and if, considering the nature of the minor offence and the previous life of the offender, it may be reasonably expected that the hearing of his case before the court will be in itself sufficient to guarantee his rehabilitation,

b) the court accepts the guarantee of the offender's rehabilitation, and believes that no penalty needs to be imposed in view of the educational influence of the person who has offered such guarantee, the nature of the minor offence, and the personality of the offender, or

c) the offender committed the minor offence in a state of diminished sanity, and the court believes that protective treatment will guarantee the protection of the society and rehabilitation of the offender more effectively than a penalty; this shall not apply if the offender has induced the state of diminished sanity himself under the influence of an addictive substance.

(2) The offender whose punishment has been waived pursuant to paragraph 1 shall be treated as if not convicted.

Section 41 Concurrent Sentence

(1) When sentencing an offender for two or more criminal offences committed through a single act, the court shall impose a concurrent sentence prescribed by the statutory provision applicable to that criminal offence, which is liable for the most severe punishment. In parallel to the punishment imposed under the aforesaid statutory provision, the court may also impose another punishment as a part of the concurrent sentence, provided one of the criminal offences involved is liable to such punishment. In case of varying terms of imprisonment laid down in the sentencing guidelines for individual offences, the minimum term of imprisonment in a concurrent sentence shall be represented by the longest imprisonment term.

(2) When sentencing an offender for two or more intentional criminal offences committed through two or more acts, the upper limit of the sentencing range applicable to the criminal offence, which is liable to the most severe punishment, shall be increased by one third; the court shall impose a term of imprisonment from the upper half of such the sentencing range. The maximum punishment may not exceed twenty-five years of imprisonment, and with juveniles may not exceed the term of imprisonment referred to under Section 117, par.1 or 3. In parallel to the sentence of imprisonment, the court may also impose another punishment as a part of the concurrent sentence, provided one of the criminal offences involved is liable to such punishment.

(3) When sentencing an offender for another partial attack, which is a part of continuing criminal offence, whereof another partial attack was already tried at the first-instance court, which awarded a final and conclusive judgement; the court shall reverse the earlier statement determining the guilt in the continuing criminal offence and the joinder criminal offences, the entire statement specifying punishment as well as additional statements having their grounds in the aforesaid statement determining the guilt. The court, being bound by the facts found in the reversed judgement, shall again decide on the guilt of the continuing criminal offence including a new partial attack, or on joinder criminal offences as well as on a final punishment for the continuing criminal offence, which may not be less severe than the punishment awarded by the earlier judgement. The court may also decide on related statements, which have the grounds in the statement of the guilt. In cases that the punishment for several concurrent

criminal offences is imposed, the provisions under paragraphs 1 and 2 of Section 42 and 43 shall apply accordingly.

Section 42 Accumulative Sentence

(1) When sentencing an offender for the criminal offence he had committed before a first-instance court delivered a sentencing judgment in respect of another criminal offence committed by the offender, the court shall impose an accumulative sentence in accordance with the rules governing the imposition of accumulative sentences for criminal offences committed as concurrent acts.

(2) The court shall accompany the imposition of an accumulative sentence with the reversal of the verdict whereby it imposed a sentence on the offender in an earlier judgment and of all the decisions related to such a verdict if they were nullified by the reversed verdict. The accumulative sentence may not be more lenient than the sentence imposed by an earlier judgment. When imposing an accumulative sentence, the court shall impose also the punishment involving the loss of honorary degrees and awards, the loss of military and other ranks, forfeiture of property, pecuniary penalty, forfeiture of a thing or prohibition to undertake certain activities if the earlier judgment included such punishment, and if it is not prejudiced by the provision of Section 34 par. 7.

(3) The provision concerning accumulative sentence shall not be applied if, given the nature of his previous conviction, the offender is considered as never convicted.

Section 43 Additional Sentence

When the court sentences an offender for a criminal offence he had committed before he completed the execution of the sentence imposed by an earlier judgment, and it imposes the same type of punishment, the new sentence together with the portion of the earlier sentence that had not been served may not exceed maximum punishment permitted under this Act. If one of such punishments is a term of imprisonment, maximum punishment shall not exceed twenty-five years of imprisonment or life imprisonment.

Section 44 Waiver of Accumulative and Additional Sentence

The court shall waive the imposition of an accumulative sentence pursuant to Section 42, or of an additional sentence pursuant to Section 43 if it

believes that the sentence imposed by an earlier judgment is sufficient enough for protection of the society and reformation of the offender.

Section 45 **Deducting Remand in Custody and Sentence**

(1) If criminal proceedings conducted against an offender held in custody result in the imposition of a sentence, the time spent in custody on remand shall be deducted from the imposed sentence, including a concurrent or accumulative sentence if, considering the type of sentence, such deduction is possible. The same procedure is used in the case of waiver of accumulative or additional sentences.

(2) If the offender who had been punished by a court or other body is convicted again for the same offence, the sentence he had already served shall be deducted from the imposed sentence if, considering the type of sentence, such deduction is possible. The same procedure is used in the case of concurrent and accumulative sentences.

(3) If it is not possible to deduct the length of custody on remand or sentence pursuant to paragraphs 1 and 2, the court shall take this fact into account when deciding about the type and/or amount of punishment.

(4) The court shall follow the same rules also when the offender was held in custody in a foreign country, or was punished by an authority of a foreign country for an identical offence.

Title Three Imposition and Execution of Individual Sentences

Section 46 **Imprisonment Sentence**

Imprisonment sentence may be imposed as a punishment for a definite period of time of not more than twenty-five years or life imprisonment.

Section 47 **Life Imprisonment**

(1) The court may impose a life imprisonment sentence only in respect of a specific criminal offence set out in the Special Section of this Act. The court may impose a life imprisonment sentence only provided that

a) the imposition of this type of punishment is necessary to ensure an effective protection of the society, and

b) the offender may not be expected to become rehabilitated by means of a term of imprisonment of less than twenty-five years.

(2) When sentencing an offender for a completed criminal offence of first degree murder pursuant to Section 144, murder pursuant to Section 145, bodily harm pursuant to Section 155, illicit manufacturing, possession of and trafficking in narcotics, drugs, poisons and precursors pursuant to Section 172 par. 2, 3 or 4, trafficking in human beings pursuant to Section 179, stealing and trading of children pursuant to Section 180 par. 2 or 3 or pursuant to Section 181, taking a hostage pursuant to Section 185, abduction to a foreign country pursuant to Section 187, robbery pursuant to Section 188, extortion pursuant to Section 189 par. 2, 3 or 4, duress pursuant to Section 190 or section 191 par. 2, 3 or 4, rape pursuant to Section 199, sexual violence pursuant to Section 200, sexual abuse pursuant to Section 201 par. 2 or 3, battering a close person and a person entrusted to one's care pursuant to Section 208, endangering the public safety pursuant to Section 284, endangering the safety of an aircraft or a vessel pursuant to Section 291, hijacking an aircraft to a foreign country pursuant to Section 293, establishing, masterminding and supporting a criminal group pursuant to Section 296, establishing, masterminding and supporting a terrorist group pursuant to Section 297, terror pursuant to Section 313 or 314, forcible crossing the state border pursuant to Section 354 par. 2, 3 or 4, facilitating an illegal border crossing pursuant to Section 355 par. 3, 4 or 5, manufacturing of child pornography pursuant to Section 368, genocide pursuant to Section 418, terrorism and some forms of participation on terrorism pursuant to Section 419, or acts against humanity pursuant to Section 425, although he was two times imposed an unconditional sentence of imprisonment for such criminal offences, the court shall impose life imprisonment, if the conditions referred to in paragraph 1 are met, otherwise it shall impose him an imprisonment for 25 years if circumstances of considerable regard do not prevent such sentence. However, the court is not allowed to impose such offender the imprisonment less than 20 years.

Section 48

Differentiation of Imprisonment Sentence Execution

(1) An imprisonment sentence shall be served in correctional and re-educational facilities (hereinafter referred to as „correctional facility“) differentiated by security levels into the categories of minimum, medium or maximum security.

(2) As a rule, the court shall assign the offender to serve his term of imprisonment in the correctional facility

a) of minimum security if, during the ten-year period that preceded the commission of the criminal offence, he did not serve an unconditional imprisonment sentence imposed in respect of a wilful criminal offence,

b) of medium security if, during the ten-year period that preceded the commission of the criminal offence, he served an unconditional imprisonment sentence imposed in respect of a wilful criminal offence; the previous conviction shall not be taken into account if the offender is considered as never convicted,

(3) The court shall assign the offender to serve his term of imprisonment in the correctional facility of maximum security

a) if he has been imposed life imprisonment, or

b) if he committed a particularly serious felony.

(4) The court may assign the offender into a different correctional category than prescribed by paragraph 2 if it believes that, considering the gravity of the criminal offence and the degree and character of disturbance of the offender, his rehabilitation and re-education will be better ensured in a different category. It may assign the offender to the minimum security facility even if such offender served, during the ten-year period that preceded the commission of this offence, an unconditional imprisonment sentence imposed in respect of a wilful minor criminal offence. However, the offender imposed life imprisonment or the offender of particularly serious felony imposed the term of imprisonment exceeding fifteen years may not be assigned to the minimum or medium security facility.

(5) When assigning the offender into the minimum, medium or maximum security facility, the court shall not be bound by the provisions under paragraphs 2 and 3 also in the case of plea bargaining or reducing the term of imprisonment below the minimum rate pursuant to Section 39, par. 2, letter b).

Suspended Imprisonment Sentence for a Probationary Period Section 49

(1) The court may impose a suspended imprisonment sentence if the imprisonment sentence does not exceed two years and if,

a) considering the personal situation of the offender, in particular his previous life and work circumstances and the circumstances of the case, the court reasonably believes that it is possible to protect the society, and

guarantee the rehabilitation of the offender even if the sentence is not executed, or

b) the court accepts the guarantee of the offender's rehabilitation, and believes that no imprisonment sentence needs to be served in view of the educational influence of the person who has offered such guarantee.

(2) The court shall not apply provision of paragraph 1 when sentencing the offender for an intentional criminal offence committed within the probationary period of a suspended imprisonment sentence, or within the probationary period of conditional release from serving an imprisonment sentence.

Section 50

(1) A suspended imprisonment sentence means that the execution of the term of imprisonment by the offender is conditionally suspended for a probationary period of one to five years. The probationary period starts to run on the day after the day when the judgment becomes final.

(2) The court may, as appropriate, impose the restrictions and obligations on a conditionally released person pursuant to Section 51 par. 2 and 3, with the aim of encouraging him to comply with the specified standards of conduct; as a rule, the court shall also order him to compensate for the damages inflicted by the criminal offence.

(3) The portion of the probationary period, during which the offender who received a suspended imprisonment term complies with the specified standards of conduct, shall be taken into account in the determination of the new probationary period imposed in connection with a suspended imprisonment sentence imposed for an identical offence, or of the probationary period determined in connection with an accumulative or concurrent sentence.

(4) If the conditionally released person complies with the specified standards of conduct, and fulfils the imposed restrictions and obligations, the court shall issue a ruling declaring that he has proved himself. In the opposite case, the court may rule, while the parole period is still in progress, that the remainder of the sentence be served. The court may, in exceptional cases, leave the suspended imprisonment sentence effective although the convicted person through his action within probationary period gives rise to ruling on the sentence to be served, and it may simultaneously

a) determine the supervision over the convict,

b) when appropriate, extend the probationary period in not more than two years while it may not exceed the upper limit of probationary period referred to under paragraph 1, or

c) determine adequate limitations or reasonable obligations referred to under Section 51 par. 3 and 4 that have not been imposed yet in order to make him lead a regular life.

(5) If the court does not issue the ruling referred to under par 4 within one year after the termination of the probationary period without having been impeded to do so by the probationer, the probationer shall be considered as having proved himself.

(6) Likewise, the probationer shall be considered as having proved himself, if the court does not issue the ruling referred to under par 4 within two years after the termination of the probationary period without having been impeded to do so by the probationer, if the criminal prosecution for another criminal offence is conducted against the convict within probationary period.

(7) If the court rules that the probationer has proved himself, or if he is believed to have proved himself, he shall be regarded as never having been convicted.

(8) If the court converts a suspended imprisonment sentence for a probationary period into an unconditional imprisonment sentence, it shall also decide about how the sentence is to be executed.

Suspended Imprisonment Sentence for a Probationary Period with Supervision Section 51

(1) The court may, under the conditions referred to under Section 49 par. 1, impose a suspended imprisonment sentence if the imprisonment sentence does not exceed three years, if it simultaneously issues a ruling on a probationary supervision over the conduct of the offender imposed for the probationary period. The provision under Section 49 par. 2 shall apply accordingly.

(2) When imposing the probationary supervision, the court shall decide on the probationary period of one to five years. The probationary period starts to run on the day after the day when the judgment becomes final. At the same time, the court shall issue a ruling on the restrictions and obligations attached to the probationary supervision.

(3) The restrictions consist, in particular, in bans on

- a) visiting sporting or other mass events,
- b) using alcoholic beverages and other habit-forming substances,
- c) meeting the persons who have negative influence on the offender, or who were his accomplices or participants in the crime,
- d) entering certain places or premises whereat he committed the criminal offence
- e) gambling, playing slot machines and betting.

(4) The obligations consist, in particular, in injunctions

- a) not to go within a distance of less than five meters of the injured party, and not to stay in the vicinity of his dwelling,
- b) to move out from the apartment or house wherein he unlawfully dwells, or which has been occupied by him unlawfully,
- c) to compensate for the caused damage within the probationary period
- d) to pay off the debt or delayed alimony within the probationary period,
- e) to make apology to the injured party personally or publicly,
- f) to acquire a certain level of vocational qualification, or to take part in a requalification course within the probationary period,
- g) to undergo a social skills training programme or other educational programme in cooperation with a probation or mediation officer or other professional,
- h) unless protective treatment has been imposed, to undergo the treatment of addiction to habit-forming substances,
- i) to undergo psychotherapy, or make use of psychological counselling services within the probationary period,
- j) to get employed or actively seek employment in a provable way within the probationary period.

(5) The offender on probation placed under the supervision shall be obliged to comply with the supervision conducted by a probation or mediation officer.

(6) The probation period set out under paragraph 2 shall not apply to the execution of other sentences imposed concurrently with the probationary supervision.

(7) The portion of the probationary period, during which the offender who was imposed the probationary supervision leads a regular life, complies with the specified conditions of supervision, respects the imposed restrictions, and meets the imposed obligations, shall be taken into account in the determination of the new probationary period imposed in connection with a new probationary supervision for an identical offence, or of the probationary period determined in connection with an accumulative or concurrent sentence.

Section 52

(1) If the convict, within the probationary period, leads a regular life, complies with the specified conditions of probationary supervision, respects the imposed restrictions, and meets the imposed obligations, the court shall issue a ruling declaring that he has proved himself. In the opposite case, the court may rule, while the parole period is still in progress, that the remainder of the sentence be served. The court may, in exceptional cases, leave the probationary supervision effective although the convicted person through his action within probationary period gives rise to ruling on the sentence to be served, and it may simultaneously

a) when appropriate, extend the probationary supervision in not more than two years, while it may not exceed the upper limit of probationary supervision referred to under Section 51 paragraph 2, or

b) determine adequate limitations or reasonable obligations that have not been imposed yet.

(2) If the court does not issue the ruling referred to under paragraph 1 within one year after the termination of the probationary period without having been impeded to do so by the probationer, the probationer shall be considered as having proved himself.

(3) Likewise, the probationer shall be considered as having proved himself, if the court does not issue the ruling referred to under paragraph 1 within two years after the termination of the probationary period without having been impeded to do so by the probationer, if the criminal prosecution for

another criminal offence is conducted against the convict within probationary period.

(4) If the court rules that the probationer has proved himself, or if he is believed to have proved himself, he shall be regarded as never having been convicted.

(5) If the court converts a suspended imprisonment sentence for a probationary period into an unconditional imprisonment sentence, it shall also decide about how the sentence is to be executed.

Section 53 Home Arrest

(1) The court may impose home arrest for a period of up to one year on the offender of a minor offence.

(2) During the execution of home arrest, the convict shall be obliged, for the period of time determined by the court, to stay in his dwelling and premises adjacent thereto, lead a regular life and, if ordered by the court, submit himself to supervision by means of electronic monitoring devices.

(3) During the execution of home arrest, the convict may leave his dwelling only upon the previous consent given by a probation and mediation officer or an authority responsible for overseeing the convict via technical devices, and only on the grounds of urgency and for the period no longer than necessary. This period of time shall be included in the calculation of the overall sentence.

(4) If the convict does not comply with the conditions referred to under paragraph 2, the court shall convert home arrest into an unconditional imprisonment sentence in such a way that two days of unserved portion of home arrest shall be equivalent to one day of an unconditional imprisonment sentence, it shall also decide about how the sentence is to be executed.

Community Service Work Section 54

The court may impose on the offender, upon his consent, a community service work sentence for a period not less than 40 hours and not exceeding 300 hours, if it issues a ruling for a minor offence punishable by the term of imprisonment of not more than five years under this Act.

Section 55

(1) The convict shall be obliged to perform community service work within one year after the date on which the related court ruling becomes final. The court may, as appropriate, impose the restrictions and obligations referred to under Section 51 par. 3 and 4 on the offender, with the aim of encouraging him to lead regular life; as a rule, the court shall also order him to compensate, to the best of his abilities, for the damage inflicted by the criminal offence. When calculating the period of participation in a community service work, it shall not be taken into account any period of time, during which the convict

a) could not perform community service work due to a temporary illness, or because he was not assigned any work during this period,

b) attended compulsory military service or other service instead of compulsory military service,

c) stayed abroad,

d) was remanded in custody, or was serving a term of imprisonment in connection with other offence.

(2) The court shall not impose community service work if the offender is on long term sick leave or has been disabled.

(3) The offender shall have an obligation to perform community service in person and during his free time without receiving remuneration.

(4) If the convict fails to lead regular life or perform, of his own causation, the service in the required scope, or if he does not respect the restrictions and does not fulfil the obligations imposed on him under the sentence, the court shall convert the community service work sentence or the remainder thereof into an unconditional imprisonment sentence execution in such a way that every two-hour segment of unserved portion of community service work shall be equivalent to one day of an unconditional imprisonment sentence, it shall also decide about how the sentence is to be executed.

(5) The court may waive the execution of community service work, if the convict, during the serving of this punishment, has gone on long term sick leave or permanent disability without any fault on the part of him.

Pecuniary Penalty Section 56

(1) The court may impose a pecuniary penalty of not less than 5,000 SKK and not more than 10,000,000 SKK on the offender of an intentional criminal offence whereby he gained or tried to gain property benefit.

(2) In the absence of the conditions referred to in paragraph 1, the court may impose a pecuniary penalty for a minor offence if, in view of the character of the offence and the potential for rehabilitating the offender, it decides not to impose a custodial penalty.

(3) The court may, taking account of the amount of the pecuniary penalty and the personal and property situation of the offender, allow the payment of the pecuniary penalty in monthly instalments. At the same time, the court shall determine the amount of instalments, and the time limit for the payment of the pecuniary penalty, which may not be longer than one year from the date on which the convicting judgment became final.

(4) The pecuniary penalty that the sentenced person has already paid shall be credited towards the new pecuniary penalty imposed in respect of the same offence, or the penalty imposed as a cumulative or concurrent sentence.

(5) The court shall not impose a pecuniary penalty if this would obstruct the payment of the compensation for damage caused by the criminal offence.

Section 57

(1) In determining the amount of the pecuniary penalty, the court shall also consider the personal and property situation of the offender. It shall not impose a pecuniary penalty if it is obvious that it cannot be collected.

(2) The paid pecuniary penalty shall constitute the revenue of the State.

(3) In addition to imposing a pecuniary penalty, the court shall deliver an alternative custodial penalty of up to five years to be executed, should the execution of the pecuniary penalty be deliberately prevented. The combination of such alternative penalty and the imposed custodial penalty may not exceed the statutory sentencing range.

(4) If the alternative penalty would exceed the range referred to in paragraph 3, or if a pecuniary penalty is imposed in combination with life imprisonment, the court shall impose no alternative penalty.

Forfeiture of Property Section 58

(1) Taking account of the circumstances, under which the criminal offence was committed and the personal situation of the offender, the court may order the forfeiture of property of the offender whom it sentences to life imprisonment or to unconditional imprisonment for a particularly serious felony, through which the offender gained or tried to gain large-scale property benefits or caused large-scale damage.

(2) The court shall order the forfeiture of property even in the absence of the conditions referred to in paragraph 1 when sentencing perpetrators of criminal offences of illicit manufacturing and possession of narcotics or psychotropic substances, poisons or precursors, and trafficking in them pursuant to Section 172 paragraphs 2, 3 or 4, or Section 173, criminal offence of trafficking in human beings pursuant to Section 179, criminal offence of trafficking in children pursuant to Section 180 paragraphs 2 or 3 or Section 181, criminal offence of extortion pursuant to Section 189 paragraph 2 (c), criminal offence of gross coercion pursuant to Section 190 paragraphs 1, 3, 4 or 5, or Section 191 paragraphs 3 or 4, criminal offence of coercion pursuant to Section 192 paragraphs 3 or 4, criminal offence of sharing pursuant to Section 231 paragraphs 2, 3 or 4, or Section 232 paragraphs 3 or 4, criminal offence of legalisation of proceeds of crime pursuant to Section 233 or 234, criminal offence of forgery, fraudulent alteration and illicit manufacturing of money and securities pursuant to Section 270, criminal offence of uttering counterfeit, fraudulently altered and illicitly manufactured money and securities pursuant to Section 271 paragraph 1, criminal offence of manufacturing and possession of instruments for counterfeiting and forgery pursuant to Section 272 paragraph 2, criminal offence of failure to pay tax and insurance pursuant to Section 277, criminal offence of failure to pay tax pursuant to Section 278 paragraphs 2 or 3, criminal offence of breach of regulations governing state technical measures for labelling goods pursuant to Section 279 paragraphs 2 or 3, criminal offence of establishing, masterminding and supporting a criminal group pursuant to Section 296, establishing, masterminding and supporting a terrorist group pursuant to Section 297, criminal offence of terror pursuant to Section 313 or Section 314, criminal offence of accepting a bribe pursuant to Section 328 paragraph 2 or 3, or Section 329 paragraphs 2 or 3, criminal offence of bribery pursuant to Section 334 paragraph 2 or Section 335 paragraph 2, criminal offence of countefeiting and altering a public instrument, official seal, official seal-off, official emblem and official mark pursuant to Section 352 paragraph 6, criminal offence of smuggling of migrants pursuant to Section 355 or Section 356, criminal offence of procuring and soliciting prostitution pursuant to Section 367 paragraph 3, criminal offence of manufacturing of child pornography pursuant to Section 368, criminal offence of dissemination of child pornography pursuant to Section 369, criminal offence of corrupting morals pursuant to Section 372 paragraphs 2 or 3, or

criminal offence of terrorism and some forms of participation on terrorism pursuant to Section 419, if the offender has acquired his property or part thereof from the proceeds of crime at least in the substantial extent.

Section 59

(1) The penalty of the forfeiture of property shall recover in the extent that belongs to the sentenced person in the execution of the penalty of the forfeiture of property after the end of bankruptcy proceedings,

- a) proceeds of encachment of property,
- b) the property that is excluded from the bankruptcy estate,
- c) the property subject to the bankruptcy proceedings if the encachment of property was not reached.

(2) The forfeited property shall, unless the court decides otherwise on the basis of a promulgated international treaty binding for the Slovak Republic, become a property of the State.

(3) The final decision on the forfeiture of property shall result in the dissolution of community property of spouses.

Section 60 Forfeiture of a Thing

(1) The court shall order the forfeiture of a thing, which was

- a) used to commit a criminal offence,
- b) intended to be used to commit a criminal offence,
- c) obtained by means of a criminal offence, or as remuneration for committing a criminal offence, or
- d) obtained by the offender in exchange for a thing referred to in c).

(2) If the thing referred to in paragraph 1 is inaccessible or unidentifiable, or is merged with the property of the offender, or with the property of another person obtained by lawful means, the court may impose the forfeiture of a thing whose value corresponds to the value of the thing referred to in paragraph 1.

(3) An inaccessible thing shall mean a thing that has been destroyed, damaged, lost, stolen, rendered unusable, consumed, hidden, transferred

to another person for the purpose of excluding it from the competence of criminal procedure authorities, or a thing removed in a different manner, or the costs saved.

(4) A thing within the meaning of paragraph 1 shall also mean the proceeds of crime, as well as profits, interests, or other benefits arising from such proceeds or things.

(5) The court may impose the sentence of forfeiture of a thing only if the thing belongs to the offender.

(6) The forfeited thing shall, unless the court decides otherwise on the basis of a promulgated international treaty binding for the Slovak Republic, become a property of the State.

(7) The provisions of paragraph 1 shall not apply if

a) the victim is entitled to a compensation for damage caused by the offence, which the forfeiture of a thing would make impossible,

b) the value of the thing is prima facie disproportionate to the gravity of the minor offence, or

c) the court waives the punishment of the offender.

Section 61 **Prohibition to Undertake Certain Activities**

(1) The prohibition to undertake certain activities shall mean that, during the execution of this sentence, the sentenced person is not allowed to perform a certain job, profession, or hold a specific office, or perform an activity, which is subject to special authorisation, or whose performance is governed under a separate regulation.

(2) The court may impose the prohibition to undertake certain activities of not less than one year and not more than ten years if the offender has committed a criminal offence in connection with such activities.

(3) The execution of the sentence of the prohibition to undertake certain activities does not include the time spent serving an unconditional imprisonment sentence. The length of execution of the sentence of the prohibition to undertake certain activities does, however, include the time before the judgment became final, during which the offender had been, pursuant to separate regulations, withdrawn a licence to perform the activity subject to the prohibition, and the time, during which he had no

longer been allowed to perform such activities by decision of a State authority.

(4) The portion of the sentence of the prohibition to undertake certain activities that had already been served shall be deducted from a new sentence of the prohibition to undertake certain activities imposed upon the offender for the same offence, or from this sentence if it is imposed as an accumulative or concurrent sentence.

Section 62 Prohibition of Residence

(1) The prohibition of residence shall mean that, during the execution of this sentence, the sentenced person is not allowed to take up residence in a certain location or a certain district; if an urgent personal matter arises, an authorisation shall be required for attending such a location or district.

(2) The court may impose a prohibition of residence of not less than one year and not more than five years in respect of a wilful criminal offence if such sentence is required in the interest of public order, protection of family, health, decency or property in view of the previous conduct of the offender and the place of commission of the criminal offence. The sentence may not prohibit residence in the locality or district of permanent residence of the offender.

(3) The court may impose the restrictions and obligations referred to under Section 51 par. 3 and 4 on the offender, with the aim of encouraging him to lead regular life, unless the sentence is imposed in combination with an unconditional imprisonment sentence.

(4) The execution of the sentence of the prohibition of residence does not include the time spent serving an unconditional imprisonment sentence.

(5) Prohibition of residence may not be imposed concurrently with the community service work if such activity or performance is to be carried out in a location subject to the prohibition of residence.

Section 63 Loss of Honorary Titles and Distinctions

(1) The loss of honorary titles and distinctions shall mean that the sentenced person is divested of the distinctions and other honorary titles conferred upon him under separate regulations.

(2) The court may impose the sentence of loss of honorary titles and distinctions when sentencing the offender to unconditional imprisonment of more than five years for a particularly serious felony.

(3) The court may also impose this sentence concurrently with a shorter sentence of imprisonment or with other sentence if such sentence is required, considering the nature of committed particularly serious felony, in the interest of protection of esteem of an honorary title or distinction conferred upon the offender prior the conviction.

Section 64 **Loss of Military and Other Rank**

(1) The loss of military and other rank shall mean that the sentenced person who is a member of the armed forces is degraded to the rank of a private, and the sentenced person who is in service with the corps is stripped of his rank.

(2) When sentencing the offender for intentional criminal offence to unconditional term of imprisonment of not less than two years, the court shall impose on the holder of such a rank a parallel sentence of the loss of military and other rank.

(3) The court may also impose this sentence concurrently with a shorter sentence of imprisonment or with other sentence when sentencing the offender who is a member of the armed forces or who is in service with the corps if, considering the nature of committed criminal offence, such sentence is necessary in order to maintain discipline and order within the armed forces or the service.

Section 65 **Expulsion**

(1) The court may, if it is required in the interest of the safety of persons or property or in any other interest, impose the sentence of expulsion from the territory of the Slovak Republic on the offender who is neither a national of the Slovak Republic, or a citizen of other member state of the European Union, or a citizen of the contractual state of the Agreement creating the European Economic Area, nor the person who has been granted asylum status.

(2) The sentence of expulsion may not be imposed on the offender

a) whose nationality or the state, from which he has come to the Slovak Republic cannot be established,

b) who, in an admitting state, runs the real risk that his life and personal freedom would be endangered because of his race, complexion, ethnicity, religion, nationality, membership of a particular social group or political opinion; it does not apply to a person who may be reasonably considered as dangerous for the security of the Slovak Republic, or who is convicted by court for a particularly serious felony.

c) who is to be expelled to the state wherein he has been imposed death penalty, or who is supposed to be imposed such a penalty in the pending trial, or who runs the risk of being subjected to torture upon his return to that particular state.

(3) The court may impose the sentence of expulsion for a period of not less than one year and not exceeding fifteen years.

Title Four

Conditional Discharge and Conditional Waiver of Execution of the Remainder of Certain Sentences

Conditional Discharge

Section 66

(1) The court may conditionally discharge the convict who, through the fulfilment of his obligations and good conduct when serving his term of imprisonment, has demonstrated that he has been reformed, and can be expected to comply with the specified standards of conduct in the future, and

a) who was sentenced for a minor offence, and has served one half of an unconditional imprisonment sentence, or his sentence was reduced upon the decision of the President of the Slovak Republic,

b) who was sentenced for a felony, and has served two thirds of an unconditional imprisonment sentence, or his sentence was reduced upon the decision of the President of the Slovak Republic.

(2) When deciding about conditional discharge, the court shall take into consideration both the previous life of the convict and the correctional and re-educational category, to which the sentenced person had been assigned.

Section 67

(1) The person sentenced for a particularly serious felony may be conditionally discharged after he has served three quarters of the sentence imposed on him.

(2) The person sentenced to life imprisonment sentence may be conditionally discharged after he has served at least 25 years of such sentence.

(3) The person repeatedly sentenced to life imprisonment sentence may not be conditionally discharged.

Section 68

(1) When conditionally discharging an inmate, the court shall set a parole period of not less than one and not more than seven years; the parole period starts to run from the moment the sentenced person has been conditionally discharged. The court may simultaneously issue a ruling on a probationary supervision over the conduct of the convict for the period of three years, and it shall impose appropriate restrictions or obligations on a conditionally discharged person pursuant to Section 51 par. 3 and 4.

(2) If the conditionally discharged person complies with the specified standards of conduct, and fulfils the imposed restrictions and obligations within the parole period, the court shall issue a ruling declaring that he has proved himself; in the opposite case, the court shall rule, while the parole period is still in progress, that the remainder of the sentence be served.

(3) If the court has ruled that the conditionally discharged person has proved himself; the sentence shall be deemed as having been served as to the date of his conditional discharge.

(4) The conditionally discharged person shall be deemed to have terminated the execution of his sentence as to the date of his conditional discharge also if the court fails to make, without having been impeded to do so by the sentenced person, the ruling that the remainder of the sentence be served within one year after the termination of the parole period. The court may decide so within the period of two years if the criminal prosecution for a wilful criminal offence is conducted against the accused within parole period.

5) Repeated conditional discharge from serving the same sentence shall not be possible.

**Conditional Waiver of the Remainder of the Prohibition to Undertake
Certain Activities
Section 69**

(1) After the sentenced person has served one half of his sentence of the prohibition to undertake certain activities, the court may conditionally waive the remainder of the sentence if the conduct of the sentenced person during the execution of the sentence proves that it is not necessary to continue in its execution.

(2) When the court conditionally waives the execution of the remaining portion of the sentence of the prohibition to undertake certain activities, it shall set the probationary period, which is no longer than five years and no shorter than the remainder of the sentence; probationary period starts to run as from the date subsequent to the date, on which the waiver decision becomes final.

(3) When appropriate, the court may accompany the decision on waiving the remainder of the sentence of the prohibition to undertake certain activities with the imposition of the restrictions and obligations upon the sentenced person referred to under Section 51 par. 3 and 4, with the aim of encouraging him to comply with the specified standards of conduct; as a rule, the court shall order him to compensate, to the best of his abilities, for the damage inflicted by the criminal offence or a part thereof as determined by the court.

Section 70

(1) If the sentenced person who has been conditionally pardoned the remainder of his sentence of the prohibition to undertake certain activities complies with the specified standards of conduct, and respects the imposed restrictions and obligations within the parole period, the court shall issue a ruling declaring that he has proved himself; in the opposite case, the court shall rule, while the parole period is still in progress, that the remainder of the sentence be served.

(2) If the court has ruled that the sentenced person has proved himself, the sentence of the prohibition to undertake certain activities shall be deemed as having been served as to the date, on which the waiver decision becomes final.

(3) The sentence of the prohibition to undertake certain activities shall be deemed to have been served as to the date, on which the waiver decision becomes final also if the court fails to make, without having been impeded to do so by the sentenced person, the ruling that the remainder of the

sentence be served within one year after the termination of the parole period.

Conditional Waiver of the Remainder of the Prohibition of Residence Section 71

(1) After the sentenced person has served one half of his sentence of the prohibition of residence, the court may conditionally waive the remainder of the sentence if the conduct of the sentenced person during the execution of the sentence proves that it is not necessary to continue in its execution.

(2) When the court conditionally waives the execution of the remaining portion of the sentence of the prohibition of residence, it shall set the probationary period, which is no longer than five years and no shorter than the remainder of the sentence; probationary period starts to run as from the date subsequent to the date, on which the waiver decision becomes final.

(3) When appropriate, the court may accompany the decision on waiving the remainder of the sentence of the prohibition of residence with the imposition of the restrictions and obligations upon the sentenced person referred to under Section 51 par. 3 and 4, with the aim of encouraging him to comply with the specified standards of conduct; as a rule, the court shall order him to compensate, to the best of his abilities, for the damage inflicted by the criminal offence or a part thereof as determined by the court.

Section 72

(1) If the sentenced person who has been conditionally pardoned the remainder of his sentence of the prohibition of residence complies with the specified standards of conduct, and respects the imposed restrictions and obligations within the parole period, the court shall issue a ruling declaring that he has proved himself; in the opposite case, the court shall rule, while the parole period is still in progress, that the remainder of the sentence be served.

(2) If the court has ruled that the sentenced person has proved himself; the sentence of the prohibition of residence shall be deemed as having been served as to the date, on which the waiver decision becomes final.

(3) The sentence of the prohibition of residence shall be deemed to have been served as to the date, on which the waiver decision becomes final also if the court fails to make, without having been impeded to do so by the sentenced person, the ruling that the remainder of the sentence be served within one year after the termination of the parole period.

Title Five
Protective Measures

Protective Medical Treatment
Section 73

(1) The court shall impose protective medical treatment in the cases referred to under Section 39 par. 2 subpar. c), and Section 40 par. 1 subpar. c), or if the offender of an act, which otherwise gives rise to criminal liability, is not criminally liable because of insanity, and his remaining at liberty could be dangerous.

(2) The court may impose such treatment also if the offender commits the criminal offence

a) in a state of diminished responsibility, and his continued remaining at liberty could be dangerous,

b) of violent nature against a close person, or the person entrusted into his care, and the personality of the offender may give reasonable grounds to believe that he will continue committing such violent acts, or

c) under the influence of a habit-forming substance or in connection with its abuse.

(3) Protective treatment shall not be imposed if it is evident that its purpose will not be fulfilled because of the characteristics of the offender.

(4) The court may impose protective treatment in addition to a sentence or when it waives the imposition of a sentence.

Section 74

(1) If protective treatment is imposed in addition to a term of imprisonment, it will commence, as a rule, when the accused starts serving his term in a correctional institution. In other cases protective medical treatment shall, as a rule, be provided in a medical institution. If the character of the disease and the prospects of treatment give sufficient grounds to believe that the purpose of the treatment could be reached also on an out-patient basis, the court may impose such latter type of treatment, or may replace institutional treatment with an out-patient treatment at a later stage, or vice-versa. If the term of imprisonment in a correctional institution is not sufficiently long to fulfil the purpose of the treatment, the court may decide that the treatment be continued in an institution or in an out-patient medical establishment.

(2) Protective medical treatment shall be provided for as long as it is required for the attainment of its purpose. Protective medical treatment imposed upon the offender abusing a habit-forming substance who committed the criminal offence under its influence or in connection with its abuse may, however, be discontinued if it becomes evident during the treatment that its purpose may not be fulfilled. The decision on discharging the person from protective treatment shall be taken by the court.

(3) The court shall reverse its decision on the imposition of protective medical treatment if the circumstances, on the basis of which it had been imposed, ceased to exist before the treatment was started.

Section 75 Protective Re-education

The conditions for imposing and execution of protective re-education shall be regulated under special provisions concerning prosecution of juveniles.

Protective Supervision Section 76

(1) The court shall impose protective supervision on the offender sentenced for a particularly serious felony to an unconditional imprisonment sentence.

(2) The court may impose protective supervision also on the offender of a wilful criminal offence who has previously served at least two imprisonment sentences for the same offence, and who is again imposed an unconditional imprisonment sentence, if, considering the personality of the offender, in particular in view of his previous life, the circumstance under which he lives, and the nature of the offence, it may not be reasonably expected that he will lead regular life after he has served his imprisonment sentence.

(3) The court may, upon a motion filed by a prosecutor or by a director of a correctional institution, impose protective supervision upon the sentenced person before the termination of his imprisonment sentence even without meeting the conditions referred to under paragraph 2, if, considering his conduct in a prison establishment, it may not be reasonably expected that he will lead regular life after the release from serving an imprisonment sentence.

(4) Protective supervision may not be imposed upon a juvenile and upon the convict who has been sentenced to life imprisonment.

Section 77

(1) The sentenced person who has been imposed protective supervision by the court shall be, after the release from serving an imprisonment sentence, obliged to

a) report required data about the means of subsistence, and also give a proof of access to them,

b) appear in person at the probation officer at specified times, and

c) report in advance when leaving his place of residence given in the court decision.

(2) The sentenced person who has been imposed protective supervision may also be imposed other restrictions or obligations referred to under Section 51 par. 3 and 4.

Section 78

(1) Protective supervision shall be imposed for a period of not less than one year and not exceeding three years.

(2) If protective supervision is imposed repeatedly, namely prior the termination of protective supervision previously imposed, the period, for which it is repeatedly imposed, together with the remainder of previous protective supervision may not exceed five years.

Section 79

Protective supervision shall become extinguished

a) upon the lapse of period, for which it has been imposed, or

b) as to the date, on which the ruling declaring that the conditionally released person has proved himself becomes final.

Section 80

The court may waive the remainder of the sentence of protective supervision if it believes that it is not necessary to continue in its execution.

Detention Section 81

(1) If, during the imprisonment sentence execution, an incarcerated person has been diagnosed a mental illness that is, based on an expert medical report, incurable, and his remaining at liberty could be dangerous to

society also in view of the criminal offence committed by him, the court, upon a motion filed by a prosecutor or by a director of a correctional institution, shall interrupt the imprisonment sentence execution, and shall order his referral to a detention facility.

(2) The court may, prior to termination of the imprisonment sentence execution, issue a ruling on the referral to a detention facility also of the offender of an intentional criminal offence who refuses to submit himself to protective medical treatment, or whose protective medical treatment does not fulfil its purpose because of the negative attitude of the patient, and whose remaining at liberty is dangerous to society; the offender shall be referred to a detention facility after the execution of imprisonment sentence.

(3) As appears to the court to be necessary, it may, prior to termination of the imprisonment sentence execution, issue a ruling on the referral to a detention facility also of the offender of a sexual offence or the habitual offender of a particularly serious felony; the offender shall be referred to a detention facility after the execution of imprisonment sentence.

Section 82

(1) Placing an offender into a detention facility serves the purpose of preventing him from committing crimes and the acts, which otherwise give rise to criminal liability, through special therapeutic regime and consistent isolation from the society.

(2) The sentenced person shall be held in a detention facility until the protection of the society from the offender may be ensured by less strict measures.

(3) The court shall, at least twice a year and always upon a motion filed by a detention facility, review the grounds for holding the sentenced person in a detention facility, and based on an expert medical report, it shall issue a ruling either on the duration of detention, or on the discharge of the sentenced person from a detention facility if the grounds for detention becomes extinguished, and shall make a decision on further imprisonment sentence execution.

Section 83 Confiscation of a Thing

(1) In case that the sanction of the forfeiture of a thing referred to in Section 60 par. 1 was not imposed, the court shall order the confiscation of such a thing if

- a) it belongs to the person who cannot be prosecuted or sentenced,
 - b) it belongs to the offender whose punishment the court waived, or the offender whose prosecution was stayed, or the offender whose prosecution was conditionally stayed, or the offender whose prosecution was stayed due to the conclusion of a conciliation agreement,
 - (c) it consists of goods that are not marked with control stamps or goods that were not subjected to other technical control measures required by generally binding legal acts for taxation purposes,
 - (d) the circumstances of the case justify the presumption that the thing could be used as a source to finance terrorism, or
 - (e) this is necessary with regard to the security of people or property or other similar general interest.
- (2) The confiscated thing shall, unless the court decides otherwise on the basis of a promulgated international treaty binding for the Slovak Republic, become a property of the State.
- (3) The provision of paragraph 1 shall not apply if:
- a) the injured party is entitled to the compensation for damage caused by the offence, which the confiscation of the thing would render impossible, or
 - b) the value of the thing is manifestly disproportionate to the gravity of the minor offence.

Section 83a

Confiscation of a sum of money

- (1) Court may impose the confiscation of a specific sum of money on the legal person if the criminal offence, even as a criminal attempt, was committed or in the case of aiding and abetting a criminal offence in connection with:
- a) exercising the right to represent that legal person
 - b) exercising the right to make decisions in the name of that legal person
 - c) exercising the right to carry out the control within that legal person, or
 - d) negligence concerning the supervision or due diligence within that legal person

(2) Protective measure pursuant to paragraph 1 shall not be imposed upon legal persons whose financial status as a debtor shall not be settled under a particular legal norm regulating bankruptcy proceedings, or if a property of the State or the European Union would be affected by the exercising of the protective measure, upon bodies of a foreign State and upon organizations of public international law. Nor shall it be imposed if the punishability of the criminal offence as described in paragraph 1 becomes extinct upon the expiry of the limitation period or on the basis of the (defense of) effective regret.

(3) Court may impose the confiscation of a sum of money described in paragraph 1 in amount of 800 Euro up to 1 660 000 Euro. When determining the amount of money to be confiscated the court shall consider seriousness of the committed criminal offence, extent of the offence, gained benefit, caused damage, circumstances of the commission of the criminal offence and consequences for the legal person. Court shall not impose the confiscation of money if, at the same time, it imposes the protective measure of confiscation of a property on the legal person pursuant to Section 83 b.

(4) In the case of merger, fusion or division of the legal person the court shall impose the protective measure pursuant to paragraph 1 on the legal successor of the legal person which has been wound-up.

(5) The paid or enforced sum of money escheats to the state unless the court decides otherwise in accordance with international treaty which has been promulgated and is binding on the Slovak Republic.

Section 83b Confiscation of a property

(1) Court shall impose the confiscation of a property on the legal person if the criminal offence, even as a criminal attempt, was committed or in the case of aiding and abetting a criminal offence as described in Section 58 paragraph 2 and if the legal person gained the property or its part by a crime or from proceeds of a crime, in connection with:

- a) exercising the right to represent that legal person
- b) exercising the right to make decisions in the name of that legal person
- c) exercising the right to carry out the control within that legal person, or
- d) negligence concerning the supervision or due diligence within that legal person

(2) Protective measure pursuant to paragraph 1 shall not be imposed upon legal persons whose financial status as a debtor shall not be settled under a particular legal norm regulating bankruptcy proceedings, or if a property of the State or the European Union would be affected by the exercising of the protective measure, upon bodies of a foreign State and upon organizations of public international law. Nor shall it be imposed if the punishability of the criminal offence as described in paragraph 1 becomes extinct upon the expiry of the limitation period or on the basis of the (defense of) effective regret.

(3) The protective measure pursuant to paragraph 1 shall not be imposed if with regard to the seriousness of the committed criminal offence, extent of the offence, gained benefit, damage arisen, circumstances of the commission of the criminal offence, consequences for the legal person and an important public interest, the protection of the society can be ensured even without confiscation of the property of the legal person. If the court does not impose the confiscation of a property on the legal person, it shall impose the protective measure of confiscation of a specific sum of money pursuant to the section 83 a.

(4) Confiscation of a property affects the property of the legal person to the extent of which it belongs to the legal person after the completion of bankruptcy proceedings

a) proceeds of the encashment of the property,

b) property excluded from the bankruptcy estate,

c) property which is liable to bankruptcy proceedings if the encashment was not reached.

(5) In the case of merger, fusion or division of the legal person the court shall impose the protective measure pursuant to paragraph 1 on the legal successor of the legal person which has been wound-up.

(6) The State shall become the owner of the confiscated property unless the court decides otherwise in accordance with international treaty which has been promulgated and is binding on the Slovak Republic.

CHAPTER THREE EXTINCTION OF PUNISHABILITY AND PENALTY

Section 84 Change of the Act

Punishability of an act that at the time of its commission met the elements of any criminal offence referred to under Special Part of the Act herein shall become extinguished if the Act that takes effect at a later stage sets out that this act shall not be considered criminal.

Effective regret Section 85

Punishability of criminal offences of spreading on dangerous human infectious disease pursuant to Section 163, endangering health due to defective food and other goods pursuant to Section 168, taking a hostage pursuant to Section 185, laundering the proceeds of crime pursuant to Sections 233, 234, breach of trust by maladministration of estates of another pursuant to Section 238, breach of regulations governing the imports and exports of goods pursuant to Section 254, breach of regulations governing the handling of controlled goods and technologies pursuant to Sections 255, 256 and 257, endangering foreign exchange trade pursuant to Section 258, distortion of data in financial and commercial records pursuant to Section 260, damaging financial interests of the European Communities pursuant to Section 263, endangering commercial, bank, postal, telecommunication or tax secrets pursuant to Section 264, minimizing taxes and insurance pursuant to Section 276, endangering public safety pursuant to Section 284, damaging and endangering the operation of publicly expedient utilities pursuant to Section 286, endangering or damaging the environment pursuant to Sections 300 and 301, high treason pursuant to Section 311, plotting against the Slovak Republic pursuant to Section 312, terror pursuant to Sections 313 and 314, destructive actions pursuant to Section 315 and 316, sabotage pursuant to Section 317, espionage pursuant to Section 318, endangering classified information pursuant to Sections 319 and 320, endangering confidential and restricted information pursuant to Section 353, revolt of prisoners pursuant to Section 358, spreading false news pursuant to Sections 361 and 362, genocide pursuant to Section 418, terrorism and some forms of participation on terrorism pursuant to Section 419, acts against humanity pursuant to Section 425, and using prohibited weapons and warfare and impermissible methods and techniques of fighting pursuant to Section 426 shall become extinct if the offender voluntarily

- a) prevented or remedied harmful consequence of the criminal offence, or
- b) reported the criminal offence in sufficient time to prevent its harmful consequence; such report shall be submitted to the authorities with competence for criminal proceedings or to the Police Force, members of the armed forces may give such information to their commanding officers or service body, and persons serving their imprisonment sentence or

remanded in custody may give such information also to the officer of the Corps of Prison and Court Guard.

Section 86

(1) Punishability of the following criminal offences shall also become extinct

a) neglect of compulsory maintenance pursuant to Section 207 unless the criminal offence has resulted in irreversible adverse consequences, and the offender subsequently fulfilled his obligation prior to final deliberation by the court before awarding the judgement,

b) neglect of compulsory maintenance pursuant to Section 207 if the Labour, Social Affairs and Family Office, upon the maintenance order, provided a beneficiary with the substitute maintenance and support payment in its entirety pursuant to a separate regulation, unless the criminal offence has resulted in irreversible adverse consequences, and the offender reimbursed the provided maintenance payment to the Labour, Social Affairs and Family Office prior to final deliberation by the court before awarding the judgement,

c) failure to pay wages and a redundancy payment pursuant to Section 214 unless the criminal offence has resulted in irreversible adverse consequences, and the offender subsequently fulfilled his obligation not later than 60 days after the day on which the criminal offence was completed,

d) abusing participation in economic competition pursuant to Section 250, if the offender by his act facilitated a businessman or another legal person to satisfy conditions for not impose or shorten a fine under the law regulating the protection of the economic competition,

e) failure to pay taxes and insurance pursuant to Section 277, or non-payment of taxes pursuant to Section 278 if due tax and its accessions or insurance have been subsequently settled not later than on the day subsequent to the day when the offender, after the investigation of his case had been completed, could become acquainted with its findings,

f) establishing, masterminding and supporting a criminal group pursuant to Section 296, or establishing, masterminding and supporting a terrorist group pursuant to Section 297 if the offender wilfully gave the information on the criminal group of the terrorist group to the authorities with competence for criminal proceedings or to the Police Force at such time when it was still possible to remove the threat resulting from its further activities; members of the armed forces may give such information to their commanding officers or service body, and persons serving their

imprisonment sentence or remanded in custody may give such information also to the officer of the Corps of Prison and Court Guard,

g) active bribery pursuant to Sections 332, 333 or 335, and trading in influence pursuant to Section 336 par. 2, if the offender provided or promised a bribe only because it was solicited, and he voluntarily and without delay reported this fact to the authorities with competence for criminal proceedings or to the Police Force; members of the armed forces may give such information to their commanding officers or service body, and persons serving their imprisonment sentence or remanded in custody may give such information also to the officer of the Corps of Prison and Court Guard.

Limitation of Criminal Proceedings Section 87

(1) Punishability of an act shall become statute-barred on the expiry of the limitation period, which is

- a) thirty years in case of a felony, for which this Act allows life imprisonment,
- b) twenty years in case of a felony, for which the Special Part of this Act allows a maximum custodial penalty of at least ten years,
- c) ten years in case of other felonies,
- d) five years in case of a minor offence, for which the Special Part of this Act allows a maximum custodial penalty of at least three years,
- e) three years in case of other minor offences.

(2) The limitation period shall not include

- a) the period, during which the offender could not be made to stand trial because of legal impediments,
- b) the period, during which the offender stayed abroad with the intention to avoid criminal prosecution,
- c) the probationary period, in case of a conditional stay of criminal prosecution,
- d) the period, during which the bringing of indictment was temporarily postponed,

e) the period, during which the criminal prosecution was interrupted.

(3) Limitation of criminal prosecution shall be interrupted

a) by the bringing of an indictment for the criminal offence, which is subject to the limitation, and by the subsequent acts of criminal procedure authorities, a judge for pre-trial proceedings, or the court connected with the criminal prosecution of the offender, or

b) when the offender commits an intentional criminal offence in the course of the limitation period.

(4) A new period of limitation shall commence to run as from the date of interruption of the initial limitation period.

Section 88

The expiry of the limitation period shall not result in the extinction of punishability for criminal offences set out in Chapter XII of the Special Part of this Act, except for the criminal offence of supporting and promoting groups leading to the suppression of fundamental rights and freedoms pursuant to Sections 421 and 422, criminal offence of defamation of a nation, race and conviction pursuant to Section 423, and the criminal offence of incitement of national, racial or ethnic hatred pursuant to Section 424.

Section 89

Pardoning or Minigation of the Sentence

(1) The sentence shall become extinct if the President of the Slovak Republic exercises his right to grant pardon and pardons the sentenced person. Such pardon shall, however, not be granted in respect of all the sentences imposed in parallel if some of them are not covered by the decision of the President of the Republic.

(2) If the President of the Slovak Republic exercises his right to mitigate sentences and mitigates the sentence of the sentenced person, such mitigated sentence shall be executed. Such mitigation shall, however, not apply to all the sentences imposed in parallel if some of them are not covered by the decision of the President of the Republic.

Limitation of the Execution of Sentence

Section 90

(1) It shall not be possible to execute a sentence after the termination of the period of limitation, which is

- a) twenty years in life imprisonment,
- b) fifteen years in imprisonment terms of more than ten years,
- c) ten years in imprisonment terms of not less than five years,
- d) five years in other sentences.

(2) The limitation period starts to run on the date when the judgment becomes final; in the case of suspended imprisonment sentences, suspended imprisonment sentences with supervision, conditional discharge from unconditional imprisonment, and conditional discharge with supervision from unconditional imprisonment, the limitation period starts to run on the date when the decision on the enforcement of the sentence becomes final.

(3) The limitation period does not include the time, during which it was impossible to execute the sentence because the sentenced person stayed abroad with the intention to avoid sentence execution, or he was serving another imprisonment sentence.

(4) The limitation period shall be suspended if

- a) the court has ordered a measure conducive to the execution of the sentence subject to limitation, or
- b) the sentenced person has committed a new criminal offence during the limitation period.

(5) As of the moment of suspension of the limitation period, a new limitation period starts to run.

Section 91

No limitation period shall be allowed for the execution of sentences imposed in respect of criminal offences set out in Chapter XII of the Special Part of this Act, except for the criminal offence of supporting and promoting groups leading to the suppression of fundamental rights and freedoms pursuant to Sections 421 and 422, criminal offence of defamation of a nation, race and conviction pursuant to Section 423, and the criminal offence of incitement of national, racial or ethnic hatred pursuant to Section 424.

Expungement of the Conviction Section 92

(1) The court shall expunge the conviction if the convicted person who served his sentence, or whose sentence was waived, or subject to the statute of limitation, complied with the specified standards of conduct for at least

a) ten years in the case of imprisonment term of more than five years,

b) five years in the case of imprisonment term of more than one year,

c) three years in the case of imprisonment term of less than one year.

(2) The expungement of conviction for penalties referred to under Section 32 subpar. b) through k) shall take effect after they have been executed.

(3) The sentenced person who has served his sentence, or whose sentence has been waived, or subject to the statute of limitation, and who, through model conduct, demonstrates that he has been reformed may ask the court to have his conviction expunged even before the expiration of the period referred to in paragraph 1.

(4) The time-limit referred to in paragraph 1 for conditionally discharged persons, and for conditionally discharged persons with supervision, shall be determined on the basis of actual time served; the sentence shall be considered as having been executed on the day of conditional discharge. If the sentence was commuted by the decision of the President of the Republic, the aforesaid period shall be determined according to the length of the commuted sentence.

(5) The conviction shall be expunged if the President of the Slovak Republic, exercising his right to grant pardon or amnesty, issues an order to this effect.

Section 93

(1) After the expungement of conviction the offender shall be regarded as never having been convicted.

(2) If several parallel sentences have been imposed on the offender, the conviction shall not be expunged until the expiration of the period prescribed for the expungement of imprisonment sentence under Section 92 if it has been imposed.

CHAPTER FOUR SPECIAL PROVISIONS ON THE PROSECUTION OF YOUNG OFFENDERS

**Title One
Criminal Liability**

**Section 94
General Provisions**

(1) A young offender shall mean a natural person who, at the time of commission of the criminal offence, is over fourteen and under eighteen years of age.

(2) Unless the present Chapter stipulates otherwise, the remaining provisions of this Act shall apply also to a young offender.

**Section 95
Criminal Liability**

(1) A young offender under fifteen years of age who, at the time of commission of the criminal offence, has not reached such a mental and moral state so as to be able to recognise its unlawfulness, or to exercise self-restraint, shall not be held criminally liable for committing this criminal offence.

(2) A minor offence that meets the elements set out in this Act shall not be considered as a criminal offence if it has been committed by a young offender, and if it is of lesser seriousness.

**Title Two
Extinction of Punishability**

**Section 93
Limitation of Criminal Proceedings**

(1) Punishability of an act shall become statute-barred on the expiry of the limitation period, which is

a) ten years in case of a criminal offence, for which this Act allows life imprisonment,

b) five years in case of a felony, for which the Special Part of this Act allows a maximum custodial penalty of at least ten years,

c) three years in case of other criminal offences.

(2) The expiry of the limitation period shall not result in the extinction of punishability for criminal offences set out in the Act.

Title Three
Imposition of Penalties and Re-educational Measures on a Young Offender

Section 97
Purpose of Sanctions and Re-educational Measures

(1) A punishment imposed on a young offender serves, in particular, the purpose of his reeducation with a view to making him lead a regular life and, at the same time, it prevents unlawful acts from being committed and protects the society accordingly; simultaneously the imposed penalty is designed to restore disturbed social relations, and to include a young offender into the family and social environment.

(2) A protective measure and a re-educational measure imposed on a young offender serves the purpose of influencing his mental, moral and social development taking account of his mental and moral state, his personality, family upbringing and the environment of his origin, and thus, at the same time, protects a young offender from harmful influences, and the society from the commission of criminal offences.

(3) When imposing a punishment, a protective measure and a re-educational measure, the court shall take into account the personality of a young offender, his age, mental and moral maturity, state of health, his personal, family and social situation, while they have to be adequate to the nature and seriousness of the committed crime, and shall lead to the inclusion of a young offender into the family and social environment, and thus to prevent unlawful acts from being committed.

Waiver of Punishment
Section 98

The court may waive the punishment of a young offender who committed a minor offence, if he shows signs of effective repentance, and makes effective effort at his rehabilitation, and if

a) considering the nature of the minor offence and the previous life of the offender, it may be reasonably expected that the hearing of his case before the court will be in itself sufficient to guarantee his rehabilitation, or

b) the court accepts the guarantee of the young offender's rehabilitation, and believes that no penalty needs to be imposed in view of the educational influence of the person who has offered such guarantee, the nature of the minor offence, and the personality of the offender.

Section 99

The court may also waive the punishment of a young offender for a minor offence, if

- a) a young offender committed the minor offence in a state of diminished sanity, and the court believes that the simultaneously imposed protective treatment will guarantee the rehabilitation of the offender more effectively than a penalty, or
- b) no penalty needs to be imposed for the attainment of the purpose of this Act as a young offender is being submitted to the protective measure or re-educational measures.

Section 100

The young offender whose punishment has been waived shall be treated as if not convicted.

Section 101 Conditional Waiver of Punishment

(1) The court may, under the conditions referred to under Section 98, conditionally waive the punishment of a young offender, where it considers necessary to supervise over the conduct of the young offender for the probationary period.

(2) When conditionally waiving the punishment, the court shall decide on the probationary period up to one year. At the same time, the court shall impose on a young offender the restrictions and obligations referred to under Section 51 par. 3 and 4 with a view to making him lead a regular life; as a rule, the court shall also order him to compensate for the damages inflicted by the criminal offence.

(3) The court may, considering the circumstances of the case and the personality of a young offender, leave the conditional waiver of punishment effective although the young offender through his action gives rise to ruling on the punishment to be imposed, and

a) determine the probationary supervision over the conduct of a young offender, unless it has been imposed earlier,

b) when appropriate, extend the probationary period in not more than one year, or

c) determine re-educational measures in order to make him lead a regular life.

(4) If the young offender who has been conditionally waived the punishment complied with the specified standards of conduct, and fulfilled the imposed restrictions and obligations within the probationary period, the court shall issue a ruling declaring that he has proved himself; in the opposite case, the court shall rule, while the probationary period is still in progress, that the punishment be imposed.

(5) If the court does not issue the ruling referred to under paragraph 4 within one year after the termination of the probationary period without having been impeded to do so by the young offender, the young offender shall be considered as having proved himself.

(6) If the court rules that the young offender who has been conditionally waived the punishment has proved himself, or if he is believed to have proved himself, he shall be regarded as never having been convicted.

Title Four Protective Re-education

Section 102 Reasons for Imposition of Protective Reeducation

(1) When sentencing a young offender, the court may issue a ruling on protective reeducation, if

a) the young offender has not been provided appropriate upbringing, and the lack thereof cannot be removed within the family where he lives,

b) the previous upbringing of the young offender was neglected, or

c) the environment wherein the young offender lives does not give a guarantee of his proper upbringing.

(2) Protective re-education may not be imposed on a member of the armed force.

Section 103 Execution of Protective Re-education

(1) The protective re-education shall be provided in special re-educational institutions (hereinafter referred to as „protective inpatient re-educational treatment"), or may also be provided in a professional foster family (hereinafter referred to as „protective foster family care"); if, however, the

health condition of the inmate makes it necessary, it is provided in a medical institution.

(2) Protective re-education shall be provided for as long as it is required for the attainment of its purpose, but not after the inmate has reached eighteen years of age; the court may extend protective re-education until the age of nineteen years if this is in the interest of the inmate.

(3) Where the protective re-education cannot be immediately executed, the court shall issue a ruling on placing such a young offender under the supervision of a probational and a mediation officer prior to its commencement.

(4) The court shall waive the execution of the protective re-education if the circumstances, on the basis of which it had been imposed, ceased to exist before the treatment was started.

(5) If the reformation of a young offender has reached the degree, which gives reasonable grounds to believe that he will live and work in compliance with the prescribed standards of conduct even without the restrictions placed on him in the re-educational institution or in the assigned foster family, but certain circumstances because of which the protective re-education had been imposed still exist, the court may conditionally waive the protective reeducation, and place such a young offender outside of the re-educational institution or foster family. It may simultaneously issue a ruling on placing such a young offender under the supervision of a probational and a mediation officer, or impose other re-educational measure.

(6) If a young offender does not fulfil the expectation that, without the restrictions placed on him in the framework of the imposed protective re-education, he will live and work in compliance with the prescribed standards of conduct, the court shall reverse its decision to conditionally release the young offender from the re-educational institution or the assigned foster family, and shall order that protective institutional education be re-imposed.

Change of the Mode of the Protective Reeducation Execution Section 104

(1) The protective inpatient re-educational treatment may be at any time replaced by the protective foster family care and vice versa.

(2) If it is required in view of the purpose of the protective re-education, the natural person, into whose care the young offender has been entrusted, may also be replaced.

Section 105

If a person over twelve and under fourteen years of age committed a certain offence, for which this Act permits life imprisonment, the court shall impose protective re-education through civil proceedings also upon a motion filed by a prosecutor; the court may do the same also when it is necessary to ensure proper reeducation of a person under fourteen years of age who committed an act, which is otherwise considered as a criminal offence.

Title Five Re-educational Measures

Section 106 Types and Imposition of Re-educational Measures

(1) When conditionally waiving the punishment or in pre-trial proceedings, the court may, for the attainment of the purpose of the Act, impose re-educational measures on the young offender.

(2) Re-educational measures are:

- a) re-educational obligations and restrictions,
- b) admonition with caution.

(3) The re-educational measures may be imposed by a court, and in pre-trial proceedings also by a prosecutor upon the consent of the person, against which the proceedings is conducted. The young offender may, at any time during the criminal proceedings until the termination of pre-trial proceedings, withdraw his consent in a written statement addressed to the prosecutor; the execution of the re-educational measure shall cease to continue.

(4) If it has been proven that the young offender cannot or, because of other serious reasons, is not able to fulfil the re-educational measure in a complete and early manner, or he wilfully does not fulfil it, the court, and in pre-trial proceedings a prosecutor, shall revoke or change the imposed re-educational measure.

Section 107 Re-educational Obligations and Restrictions

(1) The court, and in pre-trial proceedings a prosecutor, may impose the re-educational obligations and restrictions on a young offender, in particular with a view to making him to

a) submit to the probationary supervision carried out by a probationary and mediation officer,

b) live with a parent or other adult who is responsible for his upbringing,

c) exert efforts to settle with the injured party,

d) compensate for the damages inflicted by the criminal offence, or otherwise remedy the consequences of the criminal offence,

e) perform community service work without receiving remuneration in his free time,

f) undergo the treatment of addiction to harmful habit-forming substances,

g) undergo, in his free time, a social skills training programme, psychological counselling, psychoterapeutic, educational, in-service, requalification or other adequate programme, other than probationary programme, designed for the development of his social skills and personality.

(2) The performance of a certain type of community service work may be imposed on the young offender only if it does not interfere with his vocational qualification training, in particular with the fulfilment of the obligations resulting from the curricula of his educational institution, or with the performance of his employment or occupation, while it may be not more than four hours a day, eighteen hours a week, totally not exceeding sixty hours.

Section 108 Admonition with Caution

By admonition with caution, the young offender, in the presence of his statutory representative, shall be vigorously reprimanded by the court, and in pre-trial proceedings by a prosecutor, for the unlawfulness of his act, and shall be warned of the sanctions to be imposed on his under this Act, if he commits a criminal offence in the future.

Title Six Penalties

Section 109 Types of Penalties

A court may impose on the young offender only

- a) community service work,
- b) pecuniary penalty,
- c) forfeiture of a thing,
- d) prohibition to undertake certain activities,
- e) expulsion,
- f) imprisonment.

Section 110 Imposition of Penalty

(1) When imposing the punishment, the court shall take into account as mitigating circumstance also the way of fulfilment by the offender of the imposed re-educational obligations and restrictions referred to under Section 107.

(2) When imposing the concurrent or accumulative punishment on the young offender who committed criminal offences both before and after he has reached eighteen years of age, the court shall proceed pursuant to Section 41 and Section 42, while the limits of the sentencing range for the criminal offences committed before he has reached eighteen years of age shall be considered pursuant to Section 117.

Section 111 Community Service Work

When imposing community service work, the upper limit of this sentence shall not have to exceed the half of the maximum statutory penalty. The community service work, considering its nature and circumstances under which it is performed, shall not have to endanger health, safety or the development of moral values of young offenders.

Section 112 Prohibition to Undertake Certain Activities

The court may impose the prohibition to undertake certain activities only if it does not interfere with his vocational qualification training, while the upper limit of this sentence must not exceed five years.

Section 113 Expulsion

The court may impose the sentence of expulsion only under the conditions set out in this Act, namely for the period of one to five years. It shall also take into consideration both the family and personal situation of a young offender with due regard for not to render him leading a morally dissolute life.

Section 114 Pecuniary Penalty

(1) The court may impose a pecuniary penalty of not less than 1,000 SKK and not more than 500,000 SKK under conditions set out in this Act, if a young offender is gainfully employed, or the property owned by him enables such a penalty to be imposed.

(2) When imposing a pecuniary penalty on a young offender, the court shall deliver an alternative custodial penalty of up to one year to be executed, should the execution of the pecuniary penalty be deliberately prevented within the prescribed time-limit. The combination of such alternative penalty and the imposed custodial penalty may not exceed the statutory sentencing range reduced pursuant to Section 117 par. 1.

(3) When a decision whereby a young offender has been imposed a pecuniary penalty becomes final and conclusive, the court, upon the statement of a young offender, may issue a ruling that its payment or unpaid remainder thereof be replaced in such a way that a young offender shall perform community service work within the probationary programme.

Section 115 Conditional Suspension of Pecuniary Penalty Execution

(1) The court may conditionally suspend the execution of pecuniary penalty, if

a) considering the personality of the young offender, in particular in view of his previous life, the circumstances under which he lives, and the nature of the offence, there are reasonable grounds to believe that the purpose of punishment can also be achieved without its execution, or

b) accepts the guarantee of the offender's rehabilitation, and believes that the purpose of punishment can also be achieved without its execution in view of the educational influence of the person who has offered such guarantee.

(2) Unless otherwise decided by the court, granting the conditional suspension of a pecuniary penalty shall not prejudice the execution of other penalties imposed in parallel to the pecuniary penalty.

Section 116 Probationary Period

(1) When conditionally suspending the execution of a pecuniary penalty, the court shall decide on the probationary period up to three years. At the same time, the court may impose on a young offender the restrictions and obligations referred to under Section 51 par. 3 and 4 with a view to making him lead a regular life; the probationary period starts to run on the day after the day when the judgment becomes final and conclusive.

(2) The portion of the probationary period, during which the offender who received a suspended sentence complies with the specified standards of conduct, shall be taken into account in the determination of a new probationary period imposed in connection with a suspended sentence imposed for an identical offence, or of the probationary period determined in connection with an accumulative or concurrent sentence.

(3) In deciding whether the offender has proved himself within the probationary period, the provisions on suspended imprisonment sentence shall apply.

Section 117 Imprisonment Sentence

(1) When imposing custodial penalties on young offenders, the terms of imprisonment provided for under this Act shall be reduced by half; the maximum limit of reduced custodial penalty shall not have to exceed seven years and the minimum limit of reduced custodial penalty two years.

(2) The court may impose an unconditional imprisonment sentence on a young offender only under the condition that, given the circumstances of the case, personality of a young offender or the measures previously imposed, the imposition of other punishment has not apparently led to the attainment of the purpose under this Act.

(3) In the event that a young offender committed a particularly serious felony, and the degree of seriousness for the society of such a particularly serious felony is extremely high due to a despicable mode of the commission of an act, or due to a despicable reason, or due to an adverse and irreversible consequence, the court may impose the imprisonment sentence from seven to fifteen years, if it believes that the punishment referred to under paragraph 1 shall not be sufficient for the attainment of the purpose.

(4) The persons under eighteen years of age shall serve the imprisonment sentence in a juvenile correctional facility.

(5) The court may decide that even a young offender over eighteen years of age shall serve his imprisonment sentence in a juvenile correctional facility; it shall simultaneously take into consideration, in particular, the length of imprisonment sentence and the degree and character of disturbance of the young offender.

Section 118 Exceptional Reduction of a Custodial Penalty

(1) If the court ascertains that the conditions under Section 39 par. 1 or 2 for the exceptional reduction of custodial penalty below the minimum rate have been complied with, it shall not be bound by the restrictions set out under Section 39 par. 3.

(2) The provision under paragraph 1 shall not apply in case of a criminal offence, which according to this Act carries life imprisonment.

Section 119 Suspended Imprisonment Sentence and Suspended Imprisonment Sentence with Probationary Supervision

(1) If the court suspends the imprisonment sentence of a young offender for a probationary period, or if it suspends his imprisonment sentence for a probationary period with probationary supervision, it shall simultaneously set a probationary period of not less than one and not more than three years.

(2) The court may, considering the circumstances of the case and the personality of a young offender, leave the suspended imprisonment sentence or suspended imprisonment sentence with probationary supervision effective although the young offender through his action gives rise to ruling on the sentence to be served, and

- a) determine a probationary supervision over the conduct of a young offender, unless it has been imposed earlier,
- b) when appropriate, extend the probationary period in not more than two years, while the upper limit of the probationary period must not exceed five years, or,
- c) impose an additional re-educational measure referred to under Section 106 par. 2 in order to make him lead a regular life.

Section 120 Limitation of the Execution of Sentence

(1) It shall not be possible to execute a sentence after the termination of the period of limitation, which is

- a) ten years in an imprisonment term imposed pursuant to Section 117 par. 3, or
- b) three years in other sentences.

(2) No limitation period shall be allowed for the execution of sentences imposed in respect of criminal offences set out in Chapter XII of the Special Part of this Act on the young offender, except for the criminal offence of supporting and promoting groups leading to the suppression of fundamental rights and freedoms pursuant to Sections 421 and 422, the criminal offence of defamation of a nation, race and conviction pursuant to Section 423, and the criminal offence of incitement of national, racial or ethnic hatred pursuant to Section 424.

Section 121 Expungement of the Conviction

(1) The young offender who was imposed the imprisonment sentence of not more than one year, or such term of imprisonment sentence has been, upon the decision issued by the President of the Slovak Republic, mitigated or pardoned, shall be regarded as never having been convicted, as from the date on which he has completed the execution of the sentence, or the date on which such a sentence or the remainder thereof has been waived upon a final and conclusive decision.

(2) Where paragraph 1 does not apply to the conviction of a young offender for imprisonment sentence, its expungement shall be decided by the court while taking into account the conduct of the young offender in a prison establishment, after the release from serving an imprisonment sentence. If

the punishment has been mitigated upon the decision of the President of the Slovak Republic, the court shall follow this procedure after the young offender has been released from serving the mitigated imprisonment sentence.

(3) If the court rules that the young offender, whose imprisonment sentence has been suspended, whose imprisonment sentence has been suspended with probationary supervision, or who was conditionally discharged, has proved himself, he shall be regarded as never having been convicted.

(4) The young offender who was imposed a pecuniary penalty shall be regarded as never having been convicted as from the date on which he has completed the execution of the sentence, or the date on which such a sentence or the remainder thereof has been waived upon a final and conclusive decision.

(5) The young offender who was imposed the sentence of the forfeiture of a thing shall be regarded as never having been convicted as from the date on which the sentence has been executed.

(6) The young offender who was imposed community service work or the prohibition to undertake certain activities shall be regarded as never having been convicted as from the date on which he has completed the execution of the sentence, or the date on which such a sentence or the remainder thereof has been waived upon a final and conclusive decision.

(7) The young offender who was imposed the sentence of expulsion shall be regarded as never having been convicted upon the expiration of the period for which the sentence has been imposed, if served properly.

CHAPTER FIVE INTERPRETATION OF CONCEPTS

Title One General Terms

Section 122 Criminal Offence and Modes of its Commission

(1) Action shall also mean the omission of such an act which ought to have been done by an offender due to the circumstances and his personal situation.

(2) The criminal offence is considered as having been committed in public if it is committed

a) through the content of a printed matter or a disseminated written material, through a film, through the radio, television, with the use of a computer network, or using the means of similar effect, or

b) in the presence of more than two persons.

(3) The criminal offence is considered as having been committed with the use of a weapon if the offender or one of his accomplices, with the offender's knowledge, uses a weapon for making an assault, for overcoming or suppressing resistance, or he has it on him for such a purpose; unless a special provision implies otherwise, 'a weapon' means any object which can be used to increase the offensiveness of the assault against a person's body. The criminal offence is considered as having been committed with the use of a weapon also if the offender uses or has on him an imitation weapon with the intent to deceive others into believing it to be genuine.

(4) The criminal offence is considered as having been committed by housebreaking if the offender entered enclosed premises by unauthorised forcing of a lock, or by forcible overcoming of a different security device, or by deception.

(5) The criminal offence is considered as having been committed in a dwelling if it is committed in a house or in a flat of another, or in other premises being used for the purpose of dwelling, including premises and pieces of lands belonging thereto, if they are enclosed parts of the dwelling.

(6) The criminal offence is considered as having been committed by deception if it was committed using ruse or artifice.

(7) The criminal offence is considered as having been committed with the use of violence if the offender uses physical violence against physical integrity of another person, or if it is committed against a person whom the offender induced into a state of helplessness by deception, or if the offender used violence against a thing of another.

(8) The criminal offence is considered as having been committed with the use of coercion if the offender commits it with the use of psychological violence against another person.

(9) The criminal offence is considered as having been committed repeatedly if the offender, through repeated separate acts, has committed a number of successive identical criminal offences, which are related to each other neither objectively nor subjectively, while the punishability of each of them shall be judged separately.

(10) The criminal offence is considered as having been committed continuously if the offender has been continuously committing the same criminal offence. The punishability of all the partial acts shall be considered as one criminal offence if all the partial acts by the identical offender are objectively related to each other with regard to time, a mode of their commission and the target of an act, and also subjectively related, in particular through a unifying intention of the offender to commit the criminal offence concerned; this shall not apply to partial acts committed outside of the territory of the Slovak Republic.

(11) The criminal offence is considered as multiple when having been committed through a series of acts, which however, as separate acts, do not constitute a criminal offence. The punishability of all such acts shall be judged conjunctly.

(12) A perpetual criminal offence means evocating and sustaining, or just sustaining, an unlawful state.

(13) If the accused continues doing the act, in respect of which a prosecution is pending against him, even after he has been indicted, such an act shall be considered as a new offence as from the moment of indictment; this shall not apply in case of the criminal offence of neglect of compulsory maintenance pursuant to Section 207. In this event, the proceedings shall be pending until the judgement is pronounced by a first instance court, or until a second instance court withdraws for final deliberation.

Section 123 Health Impairment

(1) For the purposes of this Act, bodily harm shall mean any damage done to the health of another person.

(2) For the purposes of this Act, bodily injury shall mean such damage done to the health of another person, which objectively requires medical examination, attention or treatment, and may involve work incapacity of more than for a short time, which affects the habitual way of life of the injured party.

(3) For the purposes of this Act, serious bodily harm shall mean only serious bodily harm or serious disease, which is

a) mutilation,

b) loss or substantial impairment of work capacity,

- c) paralysis of a limb,
- d) loss or substantial impairment of the function of a sensory organ,
- e) damage to an important organ,
- f) disfigurement,
- g) inducing abortion or death of a foetus,
- h) agonising suffering, or
- i) health impairment of longer duration.

(4) For the purposes of this Act, health impairment of longer duration shall mean an impairment, which objectively requires treatment and possibly involves work incapacity of not less than forty-two calendar days, during which it seriously affects the habitual way of life of the injured party.

Damage Section 124

(1) For the purposes of this Act, damage shall mean harm to property or actual loss of assets or prejudice to the rights of the injured party or other harm, which has a causal relationship with the criminal offence irrespective of whether the harm has been caused to a thing or to the rights. For the purposes of this Act, damage shall also mean advantage gained in causal relationship with the criminal offence.

(2) Damage within the meaning of paragraph 1 shall also mean the loss of profit to which the injured party, considering the circumstances and his personal situation, would otherwise be entitled or could reasonably expect to obtain.

(3) In case of criminal offences against the environment, damage shall mean the combined environmental harm and property damage; property damage shall also comprise the costs of restoring the environment to its original state. In case of the criminal offence of illegal handling of waste pursuant to Section 302, the scope of the offence shall be determined on the basis of customary price charged at the time and place of the offence for the collection, transport, export, import, recycling, disposal or dumping of waste, and the price charged for the removal of waste from the site that is not designated for dumping.

Section 125

(1) Small damage shall mean the damage amounting to more than SKK 8,000. Larger damage shall mean the damage which is at least ten times higher than the aforesaid amount. Substantial damage shall mean the damage which is at least one hundred times higher than the aforesaid amount. Large-scale damage shall mean the damage which is at least five hundred times higher than the aforesaid amount. These criteria shall also be used to determine the amount of benefit, the value of a thing, and the scope of the offence.

(2) Where the Special Part of this Act requires that the basic elements of the criminal offence include infliction of damage as a property consequence of the criminal offence without specifying its amount, such damage shall be understood as at least a small damage.

Section 126

(1) The amount of damage shall be determined on the basis of customary price at which the damaged thing is sold at the time and place of the offence. Where the amount of damage cannot be determined as stated above, it shall be determined on the basis of costs that would be reasonably incurred to obtain an identical or a similar thing, or to restore the thing to its original state.

(2) In case of environmental damage, harm to protected species of animals and plants, specimens or wood species, or damage to the things protected as monuments, or the things of historical, artistic or scientific value, the degree of harm or the amount of damage shall be determined also taking account of the value of such thing as defined by a law, or other generally binding legal act issued on the basis of a law.

(3) Where the amount of damage or the degree of harm cannot be determined by applying any of the provisions of paragraphs 1 or 2, or where there are serious reasons to doubt the accuracy of the amount of damage or the degree of harm thus determined, they shall be established on the basis of a professional opinion or a certificate issued by a legal entity whose competence or line of activity offers a guarantee of objective determination of damage or harm; otherwise, the amount of damage shall be determined on the basis of an expert opinion.

Person Section 127

(1) For the purposes of this Act, a child shall mean a person under eighteen years of age unless he has reached the legal age earlier.

(2) A young adult shall mean a person who has reached eighteen and has not yet reached twenty-one years of age.

(3) For the purposes of this Act, elderly person shall mean a person over sixty years of age.

(4) For the purposes of this Act, close person shall mean a person related in the first degree, adoptive parent, adopted child, sibling and spouse; other persons related by family or otherwise are considered to be close persons only if the harm caused to one of them is reasonably perceived by the other person as its own harm.

(5) For the purposes of the criminal offences of extortion pursuant to Section 189, rape pursuant to Section 199 par. 2, sexual violence pursuant to Section 200 par. 2, sexual abuse pursuant to Section 201 par. 2, battering a close person and a person entrusted to one's care pursuant to 208 or dangerous threatening pursuant to Section 360 par. 2, a close person shall also mean ex-husband, spouse, ex-spouse, biological parent of a child and a person which is related to them as a close person pursuant to paragraph 4, as well as a person who lives or lived with the perpetrator in a shared household.

(6) For the purposes of this Act, a sick person shall mean a person who suffers from a physical or a mental illness, even if temporary, at the time of the commission of the offence, regardless of whether such a person is temporary unfit for work, his fitness for work has been altered, is disabled or heavily disabled, while an intensity of such a sickness or handicap corresponds to grievous bodily harm.

(7) For the purposes of this Act, a helpless person shall mean a person who because of age, health condition, circumstances of the offence or circumstances on the offender's side, had no chance to effectively defend himself against the offender's attack.

(8) For the purposes of this Act, a person entrusted into one's care shall mean a person who, because of his age or health condition or other reason, has been placed into another person's care by decision of a court or other State authority, based on an agreement, such other person oversees, takes care of, has in charge of or brings up such person in his own household or in an establishment set up for this purpose.

(9) For the purposes of this Act, a dependent person shall mean a person who depends on the offender for his nutrition, education, material or other care or charge.

(10) An addict shall mean a person addicted to the use of habit-forming substances or to addictive harmful activities.

(11) A subordinate person is a person who, as a result of his status, is subordinate to the offender as a person, in his capacity of employee, service employee, or otherwise by his position, work assignment, function or rank and, consequently, has the duty to accept and fulfil the latter's instructions, commands and orders.

(12) For the purposes of this Act, several persons shall mean at least three persons.

Section 128

(1) For the purposes of this Act, public officials shall mean the President of the Slovak Republic, members of the National Council of the Slovak Republic, members of the European Parliament, members of the Government, judges of the Constitutional Court of the Slovak Republic, judges, prosecutors or other persons holding an office in a body of public authority, members of the armed forces, persons in a service relationship, mayors, heads of self-governing regional authorities, members of local or regional self-governing authorities, civil servants and employees of State administration authorities, of local or regional self-governing authorities or of other State authorities, persons exercising the competencies of legal entities that have a statutory authority to make decisions in the area of public administration, notaries, court executors, members of forest guard, water guard, fishery guard, hunting guard, nature guard or persons authorised to act as nature guard, when they participate in the fulfilment of the duties of the society and of the State exercising the competencies they have been granted with a view to the responsible fulfilment of such duties. Criminal liability and protection of public officials under relevant provisions of this Act require that the offence be committed in connection with the exercise of their powers and responsibilities. Public officials shall also include the judges and officials of international judicial bodies recognised by the Slovak Republic and the functionaries and other officials of criminal justice authorities of other States, of the bodies of the European Union or the bodies established jointly by Member States of the European Union, who carry out criminal procedure duties for such other States or bodies; to be entitled to the protection under the provisions of this Act, they must carry out criminal procedure duties in conformity with the applicable international treaties or with the consent of Slovak authorities.

(2) For the purposes of this Act, foreign public officials shall mean any person holding an office

a) in the legislature, a judicial authority or a public administration authority of a foreign country including the head of State, or

b) in a legal entity in which a foreign country exercises a decisive influence or in the international organisation established by States or another subjects of public international law, if the performance of their office also includes the competencies for running public affairs, and the criminal offence has been committed in connection with such competencies.

(3) For the purposes of this Act, a soldier shall mean

a) a person who performs military service,

b) a member of the armed security corps or the armed corps,

c) a person referred to under a) and b) with respect to military criminal offences also after the termination of active duty, if he wears a service uniform,

d) a prisoner of war.

(4) Where this Act mentions military service or military duty, it shall mean the service performed or the duty fulfilled by the persons mentioned in paragraph 3 subparagraph b) exclusively in the wartime or during the state of war.

(5) For the purposes of this Act, a person imposed a penalty for the similar act shall mean a person who was imposed a penalty for the similar act or other measure for an infraction or other similar delict. This shall not apply if an imposed penalty or other measure has been expunged.

(6) For the purposes of this Act, a convicted person shall mean an offender who was declared guilty by a final judgment. This shall not apply if the conviction has been expunged.

(7) A punished person shall mean a sentenced person who served, in whole or in part, the sentence imposed by the court. This shall not apply if the conviction has been expunged.

(8) If this Act requires that, in order to declare a person to be a criminal offender, such person must have special characteristics, capability or status, only a person having such characteristics, capability or status may be considered as an offender or an accomplice. Abettors or helpers in a criminal offence shall, however, not be required to have the characteristics, capability or status set out therein. If this Act requires that, in order to declare a person to be a criminal offender, such person must have special

characteristics, capability or status, it shall be sufficient if a legal entity, on behalf of which an offender acts, has such characteristic, capability or status.

(9) Only a soldier may be an offender or an accomplice of a military criminal offence pursuant to Chapter Eleven of the Special Part of this Act.

Section 129

Group of Persons and Organisation

(1) For the purposes of this Act, a group of persons shall mean a group of at least three persons.

(2) For the purposes of this Act, an organised group shall mean an association of at least three persons grouped together with the objective of committing a criminal offence and using a certain division of tasks among individual members of the group; as a result, the activities of the group have a planned and coordinated character which increases the likelihood of a successful commission of the criminal offence.

(3) For the purposes of this Act, an extremist group shall mean an affiliation at least three persons with the objective of committing the offence of extremism.

(4) For the purposes of this Act, a criminal group shall mean a structured criminal association of at least three persons, existing for a certain period of time, acting in a co-ordinated manner with the objective of committing one or more felonies, the criminal offence of legalisation of proceeds of crime pursuant to Section 233, or any of the corruption criminal offences referred to under the Chapter Eight, Title Three of the Special Part of this Act, for the purposes of obtaining, directly or indirectly, a financial benefit or other advantage.

(5) For the purposes of this Act, a terrorist group shall mean a structured group of at least three persons existing for a certain period of time with the objective of committing the offences of terror or terrorism.

(6) The activity performed for a criminal group or a terrorist group shall mean an intentional participation in such a group, or other intentional actions serving the purpose of

a) maintaining the existence of such a group, or

b) committing, by such a group, the criminal offences referred to under paragraph 3 or 4.

(7) Supporting a criminal group or a terrorist group shall mean an intentional action consisting in providing financial or other means, services, and cooperation, or in creating other circumstances serving the purpose of

Thing **Section 130**

(1) For the purposes of this Act, a thing shall mean

a) a movable or immovable thing, dwelling or non-residential premises, or animal, unless the relevant provisions of this Act provide otherwise,

b) a controllable force of nature or energy, or

c) a security paper irrespective of its form.

(2) Intangible information, computer data or video recording on a technical medium shall also be considered as things.

(3) For the purposes of this Act, an entrusted thing shall mean a thing owned by another person, which the offender is authorised to use under a contract, or which the offender has in his possession in order to perform certain tasks as instructed by the owner of the thing, with the obligation to use it only for agreed purposes or return it to the owner under agreed conditions.

(4) For the purposes of this Act, misappropriation of a thing shall mean divesting the owner or other person who has legal possession of the thing of the right to dispose with that thing without consent and with the intent to dispose with it as with one's own.

(5) For the purposes of this Act, addictive substances shall mean alcohol, narcotics, psychotropic substances and other substances capable of exerting adverse effects on one's mental state and self-control or recognition abilities, or on one's social conduct.

(6) For the purposes of this Act, means of public transport shall mean the things with the capacity to transport at least nine persons.

Section 131

(1) For the purposes of this Act, a thing of general interest shall mean an interest that transcends the framework of individual rights and interests of individuals, and is important for the society.

(2) For the purposes of this Act, the handling of waste shall mean the collection, transportation, export, import, recycling, disposal and dumping of waste.

(3) For the purposes of this Act, a bribe shall mean a thing or other transaction of property or non-property nature to which there is no legal entitlement.

(4) For the purposes of this Act, a public deed shall mean a written document issued on the basis of a law by a State authority or other authority of public power within its competence, which gives rise to, modifies or extinguishes the rights or obligations or confirms their creation, modification or extinction, or certifies the identity of a person or thing, their status, properties or capacities, or legally protected interests.

Section 132 Prostitution and Pornography

(1) For the purposes of this Act, prostitution shall mean the gratifying of sexual needs of another through sexual intercourse, different act of sexual intercourse, or other conduct similar to sexual intercourse in exchange for money.

(2) For the purposes of this Act, pornography shall mean pornographic material that visually depicts sexual intercourse, different act of sexual intercourse, or other conduct similar to sexual intercourse, or naked human genitalia, and that is designed to gratify sexual desire of another.

(3) For the purposes of this Act, child pornography shall mean pornographic material that visually depicts sexual intercourse, different act of sexual intercourse, or other conduct similar to sexual intercourse with a child, or naked parts of the child's body, and that is designed to gratify sexual desire of another.

Section 133 Foreign Powers and Foreign Officials

(1) For the purposes of this Act, foreign power shall mean foreign States and their military or other groupings represented by their organisations and bodies, in particular by persons carrying out intelligence activities, military officials, diplomats and other civil servants.

(2) For the purposes of this Act, a foreign official shall mean a natural person or a legal entity which, although not being a body or a representative of a foreign State, has nevertheless an important influence

in his State or in international relations because of his political, economic or social status.

Section 134 **Constitutional System and Crisis Situation**

(1) For the purposes of this Act, a constitutional system shall mean a democratic system of fundamental rights and freedoms that are guaranteed through proper organisation and functioning of government authorities, local self-government authorities, and political parties and movements, as provided for in the Constitution of the Slovak Republic.

(2) For the purposes of this Act, a crisis situation shall mean

- a) state of necessity,
- b) state of emergency,
- c) state of war, or
- d) war.

Section 135 **Possession of Drugs for Own Use**

(1) Possession of narcotic, psychotropic substance, poison or precursor for own use shall mean an unlawful possession, for any period of time, of any narcotic, psychotropic substance, poison or precursor for own use, not exceeding the amount that is three times higher than a usual single dose.

(2) Possession of narcotic, psychotropic substance, poison or precursor for own large-scale use shall mean an unlawful possession, for any period of time, of any narcotic, psychotropic substance, poison or precursor for own use, not exceeding the amount that is ten times higher than a usual single dose.

Section 136 **Computation of Time**

Where this Act stipulates that the expiration of a time-limit brings about a certain effect, it shall not include the date, on which the legal event which gave rise to the commencement of such time-limit occurred.

Section 137 **Absence without Permission**

(1) A person shall be deemed guilty of absence without permission if

a) he is absent without permission from his unit or place to which he has been assigned,

b) he does not report to his unit or place to which he had been assigned to perform a duty

after the lapse of reasonable time during which he could be justifiably absent, in particular in connection with being assigned, transferred, travelling on service purposes, or taking a leave,

c) he separated from his unit during combat activities and failed to return to his or other military unit after the reasons for such a separation had ceased to exist, or

d) he failed to report to a military unit following his return or release from imprisonment by the enemy.

(2) A person shall be deemed guilty of repeated absence without permission if he was absent without permission during the time period of less than forty-eight hours for at least three times, provided the period that elapsed between the first and the third absence without permission did not exceed three months.

(3) An absence without permission referred to under paragraph 1 shall apply only to the person who fulfils compulsory military service.

Title Two Terms of Specific Qualification

Section 138 Acting in a More Serious Manner

Acting in a more serious manner shall mean that a criminal offence was committed

a) with the use of a weapon, except for the criminal offences of first degree murder pursuant to Section 144, second degree murder pursuant to Section 145, killing pursuant to Section 147 and pursuant to Section 148, homicide pursuant to Section 149, bodily harm pursuant to Sections 155, 156 and 157,

b) for a longer period of time,

c) in a brutal and agonising manner,

- d) with the use of violence, the threat of imminent violence or the threat of other grievous harm,
- e) by housebreaking,
- f) by deception,
- g) taking advantage of another person's helplessness, inexperience, dependency or subordination,
- h) by breaching an important duty prescribed by law and connected with his employment, position or function,
- i) by an organised group, or
- j) against several persons.

Section 139 Protected Person

- (1) A protected person shall mean
- a) a child,
 - b) a pregnant woman,
 - c) a close person,
 - d) a dependent person,
 - e) an elderly person,
 - f) a sick person,
 - g) a person enjoying special protection under the international legal instruments,
 - h) a public figure or a person who fulfills his obligations prescribed by law, or
 - i) a witness, an expert, an interpreter or a translator.

(2) The provision of paragraph 1 shall not apply if a criminal offence was not committed in connection with the position, state or age of a protected person.

Section 140 Specific Motivation

Specific motivation shall mean that a criminal offence was committed

- a) as a felony for hire,
- b) because of revenge,
- c) with the intention to cover up or facilitate another criminal offence,
- d) because of national, ethnic or racial hatred, or hatred caused by the colour of complexion, or
- e) as a sexually motivated criminal offence.

Section 141 Dangerous Grouping

A dangerous grouping shall mean

- a) a criminal group, or
- b) a terrorist group.

Section 142 Grievous Bodily Harm or Death

(1) A grievous bodily harm shall mean the harm done to the health of another person referred to under Section 123 par. 3.

(2) A death shall mean the biological death of brain (cerebral death).

Section 143 Death of Several Persons

A death of several persons shall mean the death caused to at least three persons.

PART TWO SPECIAL PART

CHAPTER ONE OFFENCES AGAINST LIFE AND LIMB

Title One Offences against Life

Section 144
First Degree Murder

(1) Any person who intentionally kills another person with premeditation shall be liable to a term of imprisonment of twenty to twenty five years.

(2) The offender shall be liable to a term of imprisonment of twenty-five years or to a life imprisonment sentence if he commits the offence referred to in paragraph 1

- a) and he was already convicted for murder,
- b) against two persons,
- c) acting in a more serious manner,
- d) against a protected person,
- e) by reason of specific motivation, or
- f) with the intention to obtain tangible profit.

(3) The offender shall be liable to life imprisonment if he commits the offence referred to in paragraph 1

- a) and he was already convicted for such offence,
- b) in a dangerous grouping, or
- c) under a crisis situation.

Section 145
Second Degree Murder

(1) Any person who intentionally kills another person shall be liable to a term of imprisonment of fifteen to twenty years.

(2) The offender shall be liable to a term of imprisonment of twenty-five years or to life imprisonment sentence if he commits the offence referred to in paragraph 1

- a) against two persons,
- b) acting in a more serious manner,
- c) against a protected person,

- d) by reason of specific motivation, or
- e) with the intention to obtain tangible profit.

(3) The offender shall be liable to a term of imprisonment or to life imprisonment if he commits the offence referred to in paragraph 1

- a) and he was already convicted for such offence or for the first degree murder,
- b) in a dangerous grouping, or
- c) under a crisis situation.

Section 146 Infanticide

The mother who, as a result of mental disturbance caused by the effects of the childbirth, intentionally kills her new-born child at the time of the delivery or immediately afterwards shall be liable to a term of imprisonment of four to eight years.

Killing Section 147

(1) Any person who, with the intention of causing grievous bodily harm to another person, causes his death by negligence shall be liable to a term of imprisonment of seven to ten years.

(2) The offender shall be liable to a term of imprisonment of nine to twelve years if he commits the offence referred to in paragraph 1

- a) against a protected person, or
- b) by reason of specific motivation.

(3) The offender shall be liable to a term of imprisonment of twelve to fifteen years if he commits the offence referred to in paragraph 1

- a) acting in a more serious manner,
- b) as a member of a dangerous grouping, or
- c) under a crisis situation.

Section 148

(1) Any person who, with the intention of causing bodily harm to another person, causes his death by negligence shall be liable to a term of imprisonment of three to eight years.

(2) The offender shall be liable to a term of imprisonment of five to ten years if he commits the offence referred to in paragraph 1

a) against a protected person, or

b) by reason of specific motivation.

(3) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner,

b) as a member of a dangerous grouping, or

c) under a crisis situation.

Section 149 Homicide

(1) Any person who causes death to another person by negligence shall be liable to a term of imprisonment of up to three years.

(2) The offender shall be liable to a term of imprisonment of two to five years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner, or

b) against a protected person.

(3) The offender shall be liable to a term of imprisonment of four to ten years if he commits the offence referred to in paragraph 1 against several persons by grossly negligent breach of the legal regulations governing occupational or transportation safety or public health regulations.

(4) The same sentence as referred to in paragraph 3 shall be imposed on the offender who causes death to another person by negligence in connection with his employment, occupation, position or function, or as a driver of means of transport, under conditions excluding capacity to carry out such an activity that he has induced himself under the influence of an addictive substance.

(5) The offender shall be liable to a term of imprisonment of seven to twelve years if, through an act referred to in paragraph 4, he causes death of two or more persons by negligence.

Illegal Abortion

Section 150

(1) Any person who, without the consent of a pregnant woman, performs an abortion upon her shall be liable to a term of imprisonment of three to eight years.

(2) The offender shall be liable to a term of imprisonment of four to ten years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner, or

b) against a protected person.

(3) The offender shall be liable to a term of imprisonment of eight to fifteen years if, through the commission of the offence referred to in paragraph 1, he causes grievous bodily harm or death to the pregnant woman.

Section 151

(1) Any person who performs abortion upon a pregnant woman with her consent, using procedures or under the conditions breaching generally binding legal regulations concerning the abortion, shall be liable to a term of imprisonment of two to five years.

(2) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1,

a) and he causes grievous bodily harm or death through its commission,

b) upon an under-aged woman without the consent of her legal guardian or person to whose care or charge she had been entrusted,

c) and thus he gains larger benefits, or

d) acting in a more serious manner.

Section 152

(1) Any person, who incites a pregnant woman into

a) performing an abortion upon herself, or

b) asking or having have another person to perform abortion upon her using procedures or under the conditions breaching generally binding legal regulations concerning the abortion,

shall be liable to a term of imprisonment of up to one year.

(2) The same sentence as referred to in paragraph 1 shall be imposed on any person who helps a pregnant woman to abort her pregnancy, or assists her in asking or having another person to perform abortion upon her.

(3) The offender shall be liable to a term of imprisonment of two to five years if he commits the offence referred to in paragraphs 1 or 2

a) acting in a more serious manner, or

b) upon a protected person.

(4) The offender shall be liable to a term of imprisonment of three to eight years if, through the commission of the offence referred to in paragraph 1, he causes grievous bodily harm or death.

Section 153

Any pregnant woman who induces abortion to herself, or asks or has another person to do so, shall not be held criminally liable for such an act, not even under provisions concerning an instigator and an aider.

Section 154 Participating in a Suicide

(1) Any person who incites another person to committing suicide, or helps him to commit suicide, shall, if at least a suicide attempt takes place, be liable to a term of imprisonment of between six months and three years.

(2) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner,

b) against a protected person, or

c) by reason of specific motivation.

Title Two Offences against Limb

Bodily Harm Section 155

(1) Any person who intentionally causes grievous bodily harm to another person shall be liable to a term of imprisonment of four to ten years.

(2) The offender shall be liable to a term of imprisonment of five to twelve years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner,

b) against a protected person, or

c) by reason of specific motivation.

(3) The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence referred to in paragraph 1

a) as a member of a dangerous grouping, or

b) under a crisis situation.

Section 156

(1) Any person who intentionally causes bodily harm to another person shall be liable to a term of imprisonment of between four months and two years.

(2) The offender shall be liable to a term of imprisonment of one to three years if he commits the offence referred to in paragraph 1

a) against a protected person, or

b) by reason of specific motivation.

(3) The offender shall be liable to a term of imprisonment of two to five years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner, or

b) under a crisis situation.

(1) Any person who causes grievous bodily harm to another person by negligence shall be liable to a term of imprisonment of between six months and two years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1

- a) acting in a more serious manner, or
- b) against a protected person.

Section 158

Any person who causes bodily harm by negligence to another by breaching an important duty arising from his employment, profession, position or function, or prescribed by law, shall be liable to a term of imprisonment of up to one year.

Wrongful Taking of Organs, Tissues and Cells and Criminal Sterilization Section 159

(1) Any person who wrongfully removes an organ, tissue or cell from a living person, or who wrongfully procures for himself or another such organ, tissue or cell, shall be liable to a term of imprisonment of two to eight years.

(2) The same sentence as referred to in paragraph 1 shall be imposed on the offender who illegally sterilizes a natural person.

(3) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraphs 1 or 2

- a) acting in a more serious manner,
- b) by reason of specific motivation, or
- c) as a member of a dangerous grouping.

(4) The offender shall be liable to a term of imprisonment of ten to fifteen years if, through the commission of the offence referred to in paragraphs 1 and 2, he causes grievous bodily harm or death.

Section 160

(1) Any person who unlawfully procures for himself or another an organ, tissue or cell from a dead body, shall be liable to a term of imprisonment of between six months to three years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner,

b) by reason of specific motivation.

(3) The offender shall be liable to a sentence of imprisonment of three to eight years if he commits the offence referred to in paragraph 1 as a member of a dangerous grouping.

Title Three Offences Endangering Life or Limb

§ 161

Unlawful Experimentation on Humans and Human Cloning

(1) Any person who, under the pretext of acquiring new medical knowledge, developing new methods or confirming hypotheses, or for the purpose of conducting clinical tests of pharmaceuticals, carries out the verification of new medical research findings without lawful authority,

a) although this presents immediate threat to human life or health, and it is not absolutely necessary to save the life of a person in a life-threatening condition, or

b) in the absence of medical indication, and without the consent of the person concerned, or performs it on persons in respect of whom it is prohibited to perform such testing without medical indication, or performs it on a human foetus or embryo, or performs it in contravention of other statutory requirements concerning testing conducted in the absence of medical indication,

shall be liable to a term of imprisonment of one to five years.

(2) The offender shall be liable to a term of imprisonment of three to eight years if he performs any intervention seeking to create a human being genetically identical to other human being at any stage of development, whether living or dead.

(3) The offender shall be liable to a term of imprisonment of five to twelve years if he commits the offence referred to in paragraphs 1 or 2,

- a) acting in a more serious manner,
- b) against a protected person, or
- c) if he obtains larger benefit for himself or another through the commission of the offence referred to in paragraphs 1 or 2.

(4) The offender shall be liable to a term of imprisonment of eight to fifteen years if, through the commission of the offence referred to in paragraph 1, he causes grievous bodily harm or death.

Section 162 Impairment of Health

(1) Any person who, although lacking prescribed expertise of health care professional or other health care employee, performs health care procedures, and through an unprofessional conduct of the examination or treatment, or improper indications for medicaments or pharmaceuticals, or other health care aids, even if through an act of negligence,

- a) causes immediate threat to life of another,
- b) inflicts bodily harm upon another, or
- c) performs, without the consent of another, an examination or health care procedure, or improper indications for medications or pharmaceuticals, or other health care aids, and through such an act, he causes threat to his health,

shall be liable to a term of imprisonment of between six months and three years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1

- a) acting in a more serious manner, or
- b) against a protected person.

(3) The offender shall be liable to a term of imprisonment of three to eight years if, through the commission of the offence referred to in paragraph 1, he causes grievous bodily harm or death.

Spreading a Dangerous Contagious Human Disease Section 163

(1) Any person who intentionally causes or increases the risk of introducing or spreading a dangerous contagious human disease shall be liable to a term of imprisonment of one to five years.

(2) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1 acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of four to ten years if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death through its commission, or

b) under a crisis situation.

Section 164

(1) Any person who by negligence causes or increases the risk of introducing or spreading a dangerous contagious human disease shall be liable to a term of imprisonment of up to three years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner, or

b) and causes grievous bodily harm or death through its commission.

Exposing Others to Human Immunodeficiency Virus Section 165

(1) Any person who intentionally puts another at risk of contracting human immunodeficiency virus infection shall be liable to a term of imprisonment of three to ten years.

(2) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner, or

b) against a protected person.

(3) The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence referred to in paragraph 1, and causes grievous bodily harm or death through its commission.

Section 166

(1) Any person who by negligence puts another at risk of contracting human immunodeficiency virus infection shall be liable to a term of imprisonment of one to five years.

(2) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death through its commission,

b) acting in a more serious manner, or

c) against a protected person.

(3) The offender shall be liable to a term of imprisonment of four to ten years if, through the commission of the offence referred to in paragraph 1, he causes grievous bodily harm or death.

Section 167

Exposing Others to Venereal Disease

(1) Any person who puts another, even by negligence, at a risk of contracting venereal disease shall be liable to a term of imprisonment of up to three years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1 against a protected person.

(3) The offender shall be liable to a term of imprisonment of three to eight years if, through the commission of the offence referred to in paragraph 1, he causes grievous bodily harm.

Endangering Health due to Decayed Foodstuffs and Other Items

Section 168

(1) Any person who sells, produces, or intentionally procures, for himself or another, the foodstuffs or other items whereof ingestion or use for habitual purpose is dangerous to human health shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1 acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death through its commission, or

b) under a crisis situation.

Section 169

(1) Any person who by negligence sells, or produces with the aim of selling, or procures, for himself or another, the foodstuffs or other items whereof ingestion or use for habitual purpose is dangerous to human health shall be liable to a term of imprisonment of up to one year.

(2) The offender shall be liable to a term of imprisonment of between six months and three years if he commits the offence referred to in paragraph 1 acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of two to five years if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death through its commission, or

b) under a crisis situation.

Section 170

Endangering Health due to Unauthorized Pharmaceuticals, Health Care Aids and Equipment

(1) Any person who, even by negligence, creates or increases the risk to human health when providing services within a health care system,

a) by prescribing, issuing, selling or administering pharmaceuticals, which are not listed in the pharmacopoeia, medicaments which are not registered pursuant to a special regulation, or the use whereof has not been authorised by a competent authority, or health care aids, which have been put on the market in breach of a generally binding legal regulation,

b) conducts clinical tests of pharmaceuticals, medicaments or health care aids in breach of a generally binding legal regulation, or

c) deals with medicaments or health care aids without authorisation,

shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1

- a) acting in a more serious manner,
- b) against a protected person, or
- c) by reason of specific motivation.

(3) The offender shall be liable to a term of imprisonment of three to eight years if, through the commission of the offence referred to in paragraph 1, he causes grievous bodily harm.

Illicit Manufacturing and Possession of Narcotic and Psychotropic Substances, Poisons or Precursors and Trafficking in them Section 171

(1) Any person who unlawfully possesses narcotic substance, psychotropic substance, poison or precursor for personal use shall be liable to a term of imprisonment of up to three years.

(2) The offender shall be liable to a term of imprisonment of up to five years if he unlawfully possesses narcotic substance, psychotropic substance, poison or precursor for personal use in a larger quantity.

Section 172

(1) Any person who without lawful authority

- a) manufactures,
- b) imports, exports, transports or has transported,
- c) purchases, sells, exchanges, procures, or
- d) possesses for any period of time,

narcotic substance, psychotropic substance, poison or precursor, or who mediates such activity, shall be liable to a term of imprisonment of four to ten years.

(2) The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence referred to in paragraph 1,

- a) and he was convicted for such offence before,

b) for a person undergoing drug addiction treatment,

c) acting in a more serious manner,

d) against a protected person,

e) on a considerable scale.

(3) The offender shall be liable to a term of imprisonment of fifteen to twenty years if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death through its commission,

b) against a person under fifteen years of age, or via such a person, or

c) on a substantial scale.

(4) The offender shall be liable to a term of imprisonment of twenty to twenty-five years or to life imprisonment if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death to several persons through its commission,

b) as a member of a dangerous grouping, or

c) on an extensive scale.

Section 173

(1) Any person who manufactures, procures for himself or another, or possesses an object to be used for illicit manufacturing of narcotic substance, psychotropic substance, poison or precursor shall be liable to a term of imprisonment of one to five years.

(2) The offender shall be liable to a term of imprisonment of three to eight years if, through the commission of the offence referred to in paragraph 1, he obtains for himself or another larger benefit.

(3) The offender shall be liable to a term of imprisonment of four to ten years if, through the commission of the offence referred to in paragraph 1, he obtains substantial benefit for himself or another.

(4) The offender shall be liable to a term of imprisonment of ten to fifteen years if, through the commission of the offence referred to in paragraph 1, he obtains large-scale benefit for himself or another.

Section 174
Illicit Distribution of Drugs

(1) Any person who incites another to abuse an addictive substance other than alcohol, or who supports such habit, or who otherwise incites to or spreads the abuse of such a substance, shall be liable to a term of imprisonment of one to five years.

(2) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1

- a) against a protected person, or
- b) in public.

Section 175
Serving Alcoholic Beverages to Minors

Any person who systematically, or in a larger quantity, serves alcoholic beverages to a person under eighteen years of age shall be liable to a term of imprisonment of up to three years.

Section 176
Distributing Anabolic Steroids among Minors

(1) Any person who without lawful authority administers anabolic steroids or other substances with anabolic effect to a person under eighteen years of age for other than treatment purpose

- a) in a larger quantity, or
- b) in spite of having been convicted for the same offence during the past twenty-four months, or sanctioned for a similar offence during the past twelve months,

shall be liable to a term of imprisonment of up to three years.

(2) The same sentence as referred to in paragraph 1 shall be imposed on the offender who without lawful authority administers anabolic steroids or other substances with anabolic effect for other than treatment purpose in connection with the participation of such person in organised sporting activity,

- a) in a larger quantity, or

b) in spite of having been convicted for the same offence during the past twenty-four months, or sanctioned for a similar offence during the past twelve months.

Failure to Provide Assistance Section 177

(1) Any person who fails to provide the necessary assistance to a person whose life is in danger, or who shows symptoms of a serious health problem, although he can do so without endangering himself or another, shall be liable to a term of imprisonment of up to two years.

(2) Any person who fails to provide the necessary assistance to a person whose life is in danger, or who shows symptoms of a serious health problem, although he has such obligation arising from his employment, shall be liable to a term of imprisonment of between six months to three years.

Section 178

A driver who fails to provide the necessary assistance to a person injured in a traffic accident in which the driver himself was involved, although he can do so without endangering himself or another, shall be liable to a term of imprisonment of up to three years.

Title One Offences against Freedom

Section 179 Trafficking in Human Beings

(1) Any person who, by using fraudulent practices, a trick, restriction of personal freedom, violence, threatened violence, threat of grievous bodily harm or other forms of coercion, by accepting or offering monetary payment or other benefits in order to get approval of a person on whom another person depends, or by misusing his powers, or abusing of defencelessness or other vulnerable position, entices, transports, harbours, hands over or takes over another person, even upon his consent, for the purposes of his prostitution or another form of sexual exploitation, including pornography, forced labour or domestic slavery, slavery or practices similar to slavery, bondage, taking of organs, tissues or cells or other forms of exploitation, shall be liable to a term of imprisonment of four to ten years.

(2) The same sentence as referred to in paragraph 1 shall be imposed on any person who entices, transports, harbours, hands over or takes over a person under eighteen years of age, even upon his consent, for the

purposes of his prostitution or other form of sexual exploitation, including pornography, forced labour or domestic slavery, slavery or practices similar to slavery, bondage, taking of organs, tissues or cells or other forms of exploitation.

3) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraphs 1 or 2,

a) and obtains larger benefit for himself or another through its commission,

b) against a protected person,

c) by reason of specific motivation, or

d) acting in a more serious manner.

(4) The offender shall be liable to term of imprisonment of twelve to twenty years if he commits the offence referred to in paragraphs 1 or 2,

a) and obtains substantial benefit for himself or another through its commission,

b) and causes grievous bodily harm or death, or other particularly serious consequence through its commission, or

c) as a member of a dangerous grouping.

(5) The offender shall be liable to a term of imprisonment of twenty to twenty-five years or to life imprisonment if he commits the offence referred to in paragraphs 1 or 2,

a) and obtains large-scale benefit for himself or another through its commission, or

b) and causes grievous bodily harm or death to several persons through its commission.

Trafficking in Children Section 180

(1) Any person who, in breach of a generally binding legal regulation, places a child under the control of another for the purpose of adoption shall be liable to a term of imprisonment of up to three years.

(2) The offender shall be liable to a term of imprisonment of four to ten years if he commits the offence referred to in paragraph 1,

a) and obtains larger benefit for himself or another through its commission,
or

b) acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of ten to fifteen years if, through the commission of the offence referred to in paragraph 1, he causes grievous bodily harm or death, or other particularly serious consequence.

Section 181

(1) Any person who, in exchange for money, places a child under the control of another for the purpose of exploiting the child for child labour, or for any other purpose, shall be liable to a term of imprisonment of four to ten years.

2) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1,

a) and obtains larger benefit for himself or another through its commission,
or

b) acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of twelve to twenty years if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death, or other particularly serious consequence through its commission, or

b) and obtains substantial benefit for himself or another through its commission.

(4) The offender shall be liable to a term of imprisonment of twenty to twenty-five years or to life imprisonment if he commits the offence referred to in paragraph 1,

a) and obtains large-scale benefit for himself or another through its commission,

b) and causes death to several persons through its commission, or

c) as a member of a dangerous grouping.

Section 182
Deprivation of Personal Freedom

(1) Any person who unlawfully deprives another of personal freedom shall be liable to a term of imprisonment of four to ten years.

(2) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1

a) by reason of specific motivation,

b) against a protected person, or

c) acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death through its commission, or

b) and obtains substantial benefit for himself or another through its commission.

(4) The offender shall be liable to a term of imprisonment of fifteen to twenty-five years or to life imprisonment if he commits the offence referred to in paragraph 1,

a) and obtains large-scale benefit for himself or another through its commission,

b) as a member of a dangerous grouping, or

c) and causes death to several persons through its commission.

Section 183
Restriction of Personal Freedom

(1) Any person who, without lawful authority, prevents another from enjoying personal liberty shall be liable to a term of imprisonment of between six months and three years.

(2) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner,

- b) by reason of specific motivation,
- c) as a public figure,
- d) against a protected person, or
- e) and causes larger damage through its commission.

(3) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1,

- a) and causes grievous bodily harm or death through its commission, or
- b) and causes substantial damage through its commission.

(4) The offender shall be liable to a term of imprisonment of twelve to twenty-five years or to life imprisonment if he commits the offence referred to in paragraph 1,

- a) and causes death to several persons through its commission,
- b) and causes large-scale damage through its commission, or
- c) as a member of a dangerous grouping.

Section 184 **Restricting the Freedom of Residence**

(1) Any person who, through deception or violence, threat of violence or other harm,

- a) forces without lawful authority other person to stay in a certain place, or
- b) prevents without lawful authority other person from staying in a certain place,

shall be liable to a term of imprisonment of between six months and three years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1

- a) acting in a more serious manner,
- b) by reason of specific motivation, or

c) as a public figure.

(3) The same sentence as referred to in paragraph 2 shall be imposed on the offender who forces without lawful authority other person to leave the territory of the Slovak Republic, or prevents other person from staying on the territory of the Slovak Republic.

Section 185 Taking a Hostage

(1) Any person who takes a person hostage, threatening to cause him death or bodily harm or any other harm, with the intent to force a third party to do, omit doing or endure anything being done, shall be liable to a term of imprisonment of four to ten years.

(2) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner,

b) against a protected person,

c) by reason of specific motivation, or

d) and causes larger damage through its commission.

(3) The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence referred to in paragraph 1,

a) and causes substantial damage through its commission, or

b) and causes grievous bodily harm or death through its commission.

(4) The offender shall be liable to a term of imprisonment of fifteen to twenty-five years or to life imprisonment if he commits the offence referred to in paragraph 1,

a) and causes death to several persons through its commission,

b) and causes large-scale damage through its commission, or

c) as a member of a dangerous grouping.

Section 186 Kidnapping for Ransom

(1) Any person who seizes another person against his will and thus restricts his personal freedom, or kidnaps him, and who, threatening to kill him, cause him bodily harm or any other harm, forces such a person or a third person to render consideration of proprietary or other than proprietary nature shall be liable to a term of imprisonment of seven to twelve years.

(2) The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence referred to in paragraph 1,

a) and obtains larger benefit for himself or another through its commission,

b) acting in a more serious manner,

c) against a protected person, or

d) by reason of specific motivation.

(3) The offender shall be liable to a term of imprisonment of twelve to twenty years if he commits the offence referred to in paragraph 1,

a) and obtains substantial benefit for himself or another through its commission, or

b) and causes grievous bodily harm or death through its commission.

(4) The offender shall be liable to a term of imprisonment of twenty to twenty-five years or to life imprisonment if he commits the offence referred to in paragraph 1,

a) and obtains large-scale benefit for himself or another through its commission,

b) and causes death to several persons through its commission, or

c) as a member of a dangerous grouping.

Section 187 **Abduction to a Foreign Country**

(1) Any person who abducts another person to a foreign country shall be liable to a term of imprisonment of four to ten years.

(2) The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence referred to in paragraph 1,

a) and causes larger damage through its commission,

- b) against a protected person,
- c) by reason of specific motivation, or
- d) acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of twelve to twenty-five years if he commits the offence referred to in paragraph 1,

- a) and causes grievous bodily harm or death through its commission, or
- b) and causes substantial damage through its commission.

(4) The offender shall be liable to a term of imprisonment of fifteen to twenty-five years or to life imprisonment if he commits the offence referred to in paragraph 1,

- a) and causes large-scale damage through its commission,
- b) and causes death to several person through its commission, or
- c) as a member of a dangerous grouping.

Section 188 Robbery

(1) Any person who uses violence or the threat of imminent violence against another person with the intention to take possession of a thing belonging to another shall be liable to a term of imprisonment of three to eight years.

(2) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1,

- a) and imminently endangers life or limb of several persons through its commission,
- b) and causes larger damage through its commission,
- c) acting in a more serious manner,
- d) against a protected person, or
- e) by reason of specific motivation.

(3) The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence referred to in paragraph 1, a) and causes grievous bodily harm or death through its commission, or

b) and causes substantial damage through its commission.

(4) The offender shall be liable to a term of imprisonment of fifteen to twenty-five years or to life imprisonment if he commits the offence referred to in paragraph 1,

a) and causes large-scale damage through its commission,

b) and causes death to several persons through its commission, or

c) as a member of a dangerous grouping.

Section 189 Extortion

(1) Any person who forces another person by violence, the threat of violence or the threat of other serious harm to do anything, omit doing or endure anything being done shall be liable to a term imprisonment of two to six years.

(2) The offender shall be liable to a term of imprisonment of four to ten years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner,

b) against a protected person,

c) by reason of specific motivation, or

d) and causes larger damage through its commission.

(3) The offender shall be liable to a term of imprisonment of ten to twenty years if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death through its commission, or

b) and causes substantial damage through its commission.

(4) The offender shall be liable to a term of imprisonment of twenty to twenty-five years or to life imprisonment if he commits the offence referred to in paragraph 1,

- a) and causes grievous bodily harm or death to several persons through its commission,
- b) and causes large-scale damage through its commission, or
- c) as a member of a dangerous grouping.

Gross Coercion Section 190

(1) Any person who, by violence, the threat of violence or other serious harm, forces another to render consideration of proprietary or other than proprietary nature for himself or for a third party in return for his own services or the services of a third party, which he forces on such person against his will, even if he pretends providing the services concerned, shall be liable to a term of imprisonment of four to ten years.

(2) The same sentence as referred to in paragraph 1 shall be imposed on the offender who, with respect to a group of persons because of their race, complexion, ethnicity, age or health condition, or with the intention to obtain an unlawful or undue advantage for himself or another,

a) without lawful authority, forces them by violence or the threat of violence to do anything, omit doing or endure anything being done contrary to their fundamental human rights, or

b) batters, tortures or treats them in a similar inhuman and cruel manner.

(3) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraphs 1 or 2,

a) and causes larger damage through its commission,

b) against a protected person,

c) by reason of specific motivation, or

d) acting in a more serious manner.

(4) The offender shall be liable to a term of imprisonment of twelve to twenty years if he commits the offence referred to in paragraphs 1 or 2,

a) and causes grievous bodily harm or death through its commission, or

b) and causes substantial damage through its commission.

(5) The offender shall be liable to a term of imprisonment of twenty to twenty-five years or to life imprisonment if he commits the offence referred to in paragraphs 1 or 2,

a) and causes large-scale damage through its commission,

b) and causes death to several persons through its commission, or

c) as a member of a dangerous grouping.

Section 191

(1) Any person who, by violence, the threat of violence or other serious harm, forces another to fulfil a commitment that has been entered into, to which a third party is otherwise entitled, shall be liable to a term of imprisonment of one to three years.

(2) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1,

a) and causes larger damage through its commission,

b) against a protected person,

c) by reason of specific motivation, or

d) acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of seven to fifteen years if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death through its commission, or

b) and causes substantial damage through its commission.

(4) The offender shall be liable to a term of imprisonment of fifteen to twenty-five years or to life imprisonment if he commits the offence referred to in paragraph 1,

a) and causes large-scale damage through its commission,

b) and causes death to several persons through its commission, or

c) as a member of a dangerous grouping.

Section 192

Duress

(1) Any person who, by taking advantage of another person's material distress or pressing need of other than proprietary nature, or pressure provoked by his adverse personal situation, forces such person without lawful authority to do, omit doing or endure something being done shall be liable to a term of imprisonment of up to three years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner,

b) against a protected person,

c) by reason of specific motivation,

d) with the intention to obtain larger property benefit or other benefit for himself or another, or

e) by denying an employee in an employment relation or a similar working relation to exercise his right to safe and healthy working conditions, to annual leave or to the creation of statutory working conditions for women and juvenile workers.

(3) The offender shall be liable to a term of imprisonment of four to ten years if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death through its commission, or

b) and causes substantial damage through its commission.

(4) The offender shall be liable to a term of imprisonment of ten to twenty-five years or to life imprisonment if he commits the offence referred to in paragraph 1,

a) and causes large-scale damage through its commission,

b) and causes death to several persons through its commission,

c) as a member of a dangerous grouping, or

d) under a crisis situation.

Section 193
Restricting the Freedom of Worship

(1) Any person who, by violence, the threat of violence or other serious harm,

- a) forces another to participate in a religious act,
- b) without lawful authority prevents another from participation in a religious act, or
- c) without lawful authority otherwise prevents another from exercising his freedom of worship, shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of two to six years if he commits the offence referred to in paragraph 1

- a) acting in a more serious manner,
- b) against a protected person,
- c) by reason of specific motivation, or
- d) in public.

Section 194
Forcible Entry into Dwelling

(1) Any person who, without lawful authority, enters the dwelling of another or stays there shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1

- a) acting in a more serious manner,
- b) by overcoming the obstacle designed as precautionary measure to prevent forcible entry,
- c) with at least two more persons, or
- d) by reason of specific motivation.

(3) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraphs 1 or 2

- a) against a protected person, or
- b) as a member of a dangerous grouping.

Section 195
Infringing the Freedom of Peaceful Association and Assembly

(1) Any person who, using violence, the threat of violence or other serious harm, restricts another in the exercise of his right of association or assembly shall be liable to a term of imprisonment of up to two years.

(2) Any person who, using violence or the threat of imminent violence, refuses to comply with the measures designed to keep order at a public rally, which is subject to a notification obligation, or who offers resistance to designated order-keeping officers shall be liable to a term of imprisonment of up to one year.

Breach of Mailing Secrets
Section 196

(1) Any person who intentionally breaches

a) the secrecy of letter through spying or opening a sealed letter or other written communication delivered by postal service or in other habitual manner,

b) the secrecy of information transferred via electronic communication service, or

c) the secrecy of private transfer of computerized data to the computer system, out of it or within it, including electromagnetic radiation from computer system transferring such computerized data,

shall be liable to a term of imprisonment of up to three years.

(2) Any employee of the provider of postal service or electronic communication service who commits the offence referred to in paragraph 1, or wilfully enables another to commit such offence, or who alters or withholds a written communication delivered by postal service or in other habitual manner or communication transferred via electronic communication service shall be liable to a term of imprisonment of one to five years.

(3) The offender shall be liable to a term of imprisonment of four to ten years if he commits the offence referred to in paragraphs 1 or 2,

a) and causes substantial damage through its commission,

- b) by reason of specific motivation,
- c) acting in a more serious manner.

Section 197

(1) Any person who, with the intention to cause damage to another, or to obtain an unlawful benefit for himself or another, a) divulges a mail secret which he got knowledge of from a closed letter or other written communication delivered by postal service or in other habitual manner that were not addressed to him, or from the information transferred via electronic communication service, or

- b) makes use of such secret,

shall be liable to a term of imprisonment of up to three years.

(2) Any employee of the provider of postal service or electronic communication service who commits the offence referred to in paragraph 1, or wilfully enables another to commit such offence, shall be liable to a term of imprisonment of one to five years.

(3) The offender shall be liable to a term of imprisonment of four to ten years if he commits the offence referred to in paragraphs 1 or 2,

- a) and causes substantial damage through its commission,
- b) by reason of specific motivation,
- c) acting in a more serious manner.

Section 198

(1) Any person who, in breach of a generally binding legal regulation, manufactures, procures for himself or another, or possesses the equipment capable of intercepting the information transferred via electronic communication service, shall be liable to a term of imprisonment of up to three years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1,

- a) and obtains larger benefit for himself or another through its commission, or
- b) acting in a more serious manner.

Title Two
Offences against Human Dignity

Section 199
Rape

(1) Any person who, by using violence or the threat of imminent violence, forces a woman to have sexual intercourse with him, or takes advantage of a woman's helplessness for such act, shall be liable to a term of imprisonment of five to ten years.

(2) The offender shall be liable to a term of imprisonment of seven to fifteen years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner,

b) against a protected person,

c) by reason of specific motivation, or

d) against a woman remanded in custody or serving her term of imprisonment.

(3) The offender shall be liable to a term of imprisonment of fifteen to twenty years if he commits the offence referred in paragraph 1, and causes grievous bodily harm through its commission.

(4) The offender shall be liable to a term of imprisonment of twenty to twenty-five years if he commits the offence referred to in paragraph 1,

a) and causes death through its commission, or

b) under a crisis situation.

Section 200
Sexual Violence

(1) Any person who, by using violence or the threat of imminent violence, forces another to engage in oral sex, anal sex, or any other sexual acts, or takes advantage of another's helplessness for such act, shall be liable to a term of imprisonment of five to ten years.

(2) The offender shall be liable to a term of imprisonment of seven to fifteen years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner,

- b) against a protected person,
- c) by reason of specific motivation, or
- d) against a woman remanded in custody or serving her term of imprisonment.

(3) The offender shall be liable to a term of imprisonment of fifteen to twenty years if he commits the offence referred in paragraph 1, and causes grievous bodily harm through its commission.

(4) The offender shall be liable to a term of imprisonment of twenty to twenty-five years if he commits the offence referred to in paragraph 1,

- a) and causes death through its commission, or
- b) under a crisis situation.

Sexual Abuse Section 201

(1) Any person who has sexual intercourse with a person under fifteen years of age, or who subjects such person to other sexual abuse, shall be liable to a term of imprisonment of three to ten years.

(2) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1

- a) acting in a more serious manner,
- b) against a protected person, or
- c) by reason of specific motivation.

(3) The offender shall be liable to a term of imprisonment of twelve to fifteen years if he commits the offence referred to in paragraph 1, and causes grievous bodily harm through its commission.

(4) The offender shall be liable to a term of imprisonment of fifteen to twenty years if he commits the offence referred to in paragraph 1,

- a) and causes death through its commission, or
- b) under a crisis situation.

Section 202

(1) Any person who makes a person under eighteen years of age to have an extramarital intercourse, or who otherwise subjects a person to sexual abuse,

a) if such person has been placed under his care or custody, or has been dependent on him, or

b) in exchange for money,

shall be liable to a term of imprisonment of one to five years.

(2) The offender shall be liable to a term of imprisonment of two to eight years if he commits the offence referred to in paragraph 1 against a person under eighteen years of age who was forced to do so, acting in obedience, under duress or threat.

Section 203 Incest

(1) Any person who has intercourse with a relative in the first degree or with a sibling shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1 against a protected person.

CHAPTER THREE OFFENCES AGAINST FAMILY AND YOUTH

Section 204 Bigamy

(1) Any person who contracts a second marriage before the first marriage has been dissolved shall be liable to a term of imprisonment of up to two years.

(2) The same sentence as referred to in paragraph 1 shall be imposed on the offender who contracts a marriage with a person who is already married.

Section 205 Exposure of a Child

(1) Any person who exposes a child, which he has a lawful duty to take care of and which is not yet able to seek assistance, at a place where the

child's life or health is not endangered shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of two to six years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner, or

b) against a child under three years of age.

Section 206 Abandonment of a Child

(1) Any person who abandons a child, which he has a lawful duty to take care of and which is not yet able to seek assistance, putting thus the child in danger of death or bodily harm, shall be liable to a term of imprisonment of one to five years.

(2) The offender shall be liable to a term of imprisonment of three to ten years if he commits the offence referred to paragraph 1

a) acting in a more serious manner, or

b) against a child under six years of age.

(3) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death through its commission, or

b) under a crisis situation.

Section 207 Neglect of Compulsory Maintenance

(1) Any person who fails to fulfil, even due to negligence, his statutory duty to maintain or support another person for at least three months in the period of two years shall be liable to a term of imprisonment of up to two years.

(2) Any person who intentionally avoids the fulfilment of his statutory duty to maintain or support another person for at least three months in the period of two years shall be liable to a term of imprisonment of up to three years.

(3) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraphs 1 or 2,

- a) and places the entitled person at risk of destitution,
- b) acting in a more serious manner, or
- c) in spite of having been convicted for the same offence during the past twenty-four months, or released from the service of a term of imprisonment imposed upon him for such offence.

Section 208

Battering a Close Person and a Person Entrusted into one's Care

(1) Any person who ill-treats a close person or a person entrusted into his care or charge, causing him physical or mental suffering by

a) repeated beating, kicking, hitting, inflicting various types of wounds and burn wounds, humiliating, disregarding, continuous stalking, threatening, evoking fear or stress, by forced isolation, emotional extortion or by other improper conduct endangering his physical or psychical health, or putting his safety at risk,

b) repeated and unjustified denial of food, rest or sleep, or denial of necessary personal care, basic clothing, elementary hygiene, health care, housing, upbringing or education,

c) forcing to beggary or to a repeated performance of activities causing excessive physical strain or psychical stress for the person subject to ill-treatment considering his age or health condition, or damaging his health,

d) repeated exposure to the effects of substances that are detrimental to his health, or

e) unjustified restriction on his right of access to the assets that he is entitled to use and enjoy, shall be liable to a term of imprisonment of three to eight years.

(2) The offender shall be liable to a term of imprisonment of seven to fifteen years if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death through its commission,

b) by reason of specific motivation,

c) in spite of having been convicted for the same offence during the past twenty-four months or released from the service of a term of imprisonment imposed upon him for such offence, or

d) acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of fifteen to twenty-five years or to life imprisonment if he commits the offence referred to in paragraph 1, and causes grievous bodily harm or death to several persons through its commission.

Kidnapping Section 209

(1) Any person who takes a child or a person suffering from mental disorder or a person of unsound mind away from the care of a person who has an obligation under the law or arising from an official decision to take care of them shall be liable to a term of imprisonment of three to eight years.

(2) The offender shall be liable to a term of imprisonment of four to ten years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner,

b) by reason of specific motivation, or

c) and causes prejudice to moral development of the kidnapped person.

(3) The offender shall be liable to a term of imprisonment of seven to fifteen years if he commits the offence referred to in paragraph 1

a) with the intention to abduct such person abroad,

b) with the intention to obtain substantial benefit for himself or another, or

c) and causes grievous bodily harm or death or other particularly serious consequence through its commission.

(4) The offender shall be liable to a term of imprisonment of fifteen to twenty-five years or to life imprisonment if he commits the offence referred to in paragraph 1

a) as a member of a dangerous grouping, or

b) with the intention to obtain large-scale benefit for himself or another.

Section 210

(1) Any person who, as a parent or a relative in the first degree, takes a person suffering from mental disorder or a person of unsound mind away

from the care of a person who has an obligation under the law or arising from an official decision to take care of them shall be liable to a term of imprisonment of between six months and three years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1

- a) acting in a more serious manner, or
- b) by reason of specific motivation.

Section 211 Corrupting Morals of Youth

(1) Any person who, even by negligence, exposes a person under eighteen years of age to the risk of debauchery by

- a) enticing such person to leading lewd or immoral life,
- b) enabling such person to lead lewd or immoral life,
- c) enabling such person to perform actions which are considered as criminal offences under this Act, or
- d) preventing such person from compulsory school attendance,

shall be liable to a term of imprisonment of up to two years.

(2) The same sentence as referred to in paragraph 1 shall be imposed on the offender who, contrary to a generally binding legal regulation, employs a child under fifteen years of age, and thus prevents him from compulsory school attendance.

(3) The offender shall be liable to a term of imprisonment of between six months and five years if he commits the offence referred to in paragraphs 1 and 2

- a) acting in a more serious manner, or
- b) by reason of specific motivation.

CHAPTER FOUR OFFENCES AGAINST (THE RIGHT OF) PROPERTY

Section 212 Theft

(1) Any person who appropriates a thing belonging to other by seizing it and thus causes small damage shall be liable to a term of imprisonment of up to two years.

(2) The same sentence as referred to in paragraph 1 shall be imposed on the offender who appropriates a thing belonging to other by seizing it, and

a) commits the offence by housebreaking,

b) immediately after the commission of the offence he attempts to keep possession of the thing by violence or the threat of imminent violence,

c) commits such offence on a thing that another person has on him or with him,

d) such thing is from the harvest from a land belonging to the agricultural land fund, or wood from a land belonging to the forest land fund, or fish from the pond under intense rearing conditions,

e) commits the offence on a thing whose collection is subject to payment under a separate regulation, or

f) has been sanctioned for such offence in the past twelve months.

(3) The offender shall be liable to a term of imprisonment of between six months and three years if he commits the offence referred to in paragraphs 1 or 2,

a) and causes larger damage through its commission,

b) in spite of having been convicted for the same offence during the past twenty-four months, or

c) by reason of specific motivation.

(4) The offender shall be liable to a term of imprisonment of three to ten years if he commits the offence referred to in paragraphs 1 or 2,

a) and causes substantial damage through its commission,

b) acting in a more serious manner,

c) at the place of reverence or general respect, or at the place where public assembly or ceremony is held,

d) on a thing that enjoys the protection under a separate regulation, or

e) by organising such act.

(5) The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence referred to in paragraphs 1 or 2,

a) and causes large-scale damage through its commission,

b) as a member of a dangerous grouping, or

c) under a crisis situation.

Section 213 Embezzlement

(1) Any person who takes possession of property of another that has been entrusted to him, thus causing small damage to the property belonging to another, shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1,

a) and causes larger damage through its commission,

b) by reason of specific motivation,

c) in the capacity of a person who has been charged with a special duty to protect the interests of the injured party or who has been appointed trustee in bankruptcy, or

d) acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of three to ten years if he commits the offence referred to in paragraph 1, and causes substantial damage through its commission.

(4) The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence referred to in paragraph 1,

a) and causes large-scale damage through its commission,

b) as a member of a dangerous grouping, or

c) under a crisis situation.

Section 214 Failure to Pay Wages and Redundancy Payment

(1) Any person who, as an authorized representative of a legal entity or a natural person who is an employer or their corporate agent, fails to pay, on a due date, to his employee wages, salary or other remuneration for work performed, wage compensation or redundancy payment that the employee is entitled to, despite the fact that on this particular day he has financial means to do so, which he does not necessarily need for running the business of the legal entity or the activities of an employer who is a natural person, or he takes measures to frustrate the above-described payments, shall be liable to a term of imprisonment of up to three years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1,

a) and causes larger damage through its commission,

b) by reason of specific motivation, or

c) against more than ten employees.

(3) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1, and causes substantial damage through its commission.

(4) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1, and causes large-scale damage through its commission.

Section 215 Unlawful Enjoyment of a Thing of Another

(1) Any person who appropriates a thing of small value belonging to another with the intention to temporarily use it, or who, without authorisation, temporarily uses a thing that has been entrusted to him and thus causes small damage to the property of another, shall be liable to a term of imprisonment of up to one year.

(2) The offender shall be liable to a term of imprisonment of between six months and three years if he commits the offence referred to in paragraph 1,

a) and causes larger damage or other particularly serious consequence through its commission,

b) by reason of specific motivation, or

c) acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of one to five years if he causes substantial damage through the commission of the offence referred to in paragraph 1.

(4) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1,

a) and causes large-scale damage or other particularly serious consequence through its commission, or

b) as a member of a dangerous grouping.

Unlawful Enjoyment of a Motor Vehicle of Another Section 216

(1) Any person who takes possession of a motor vehicle of small value belonging to another with the intention to temporarily use it shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1,

a) and he was already convicted for such offence,

b) by reason of specific motivation,

c) with respect to a motor vehicle of larger value, or causes larger damage through the commission of such offence, or

d) acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1 with respect to a motor vehicle of substantial value, or causes substantial damage through the commission of such offence.

(4) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1

a) with respect to a motor vehicle of considerable value, or causes large-scale damage through the commission of such offence, or

b) as a member of a dangerous grouping.

Section 217

1) Any person who makes unauthorised use of a motor vehicle of another that was entrusted to him shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of between six months and three years if he commits the offence referred to in paragraph 1,

a) and he was already convicted for such offence,

b) by reason of specific motivation,

c) with respect to a motor vehicle of larger value, or causes larger damage through the commission of such offence, or

d) acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1 with respect to a motor vehicle of substantial value, or causes substantial damage through the commission of such offence.

(4) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1

a) with respect to a motor vehicle of considerable value, or causes large-scale damage through the commission of such offence, or

b) as a member of a dangerous grouping.

Section 218

Unlawful Interference with a Title to a House, Dwelling or Non-residential Premises

(1) Any person who unlawfully occupies or uses a house or dwelling belonging to another, or who unlawfully prevents the entitled person from using a house or dwelling shall be liable to a term of imprisonment of up to two years.

(2) Any person who unlawfully enters, occupies or uses non-residential premises belonging to another, or who unlawfully prevents the entitled person from using non-residential premises shall be liable to a term of imprisonment of up to one year.

(3) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraphs 1 or 2

- a) acting in a more serious manner, or
- b) by reason of specific motivation.

Section 219

Unlawful Manufacturing and Enjoyment of Payment Means, Electronic Money or Other Payment Card

(1) Any person who unlawfully manufactures, alters, imitates, counterfeits or gains possession of payment means, electronic money or other payment card including phone card, or an object capable to fulfil such function, for the purposes of using it as genuine, or he possesses, transports, uses or provides it to another for the same purpose, shall be liable to a term of imprisonment of one to five years.

(2) Any person who unlawfully manufactures, possesses, procures for himself or otherwise gains possession or provides to another a tool, computer program or other device specifically adapted for the commission of the offence referred to in paragraph 1 shall be liable to a term of imprisonment of up to three years.

(3) The offender shall be liable to a term of imprisonment of two to eight years if he commits the offence referred to in paragraphs 1 or 2,

- a) acting in a more serious manner,
- b) on a substantial scale, or
- c) by reason of specific motivation.

(4) The offender shall be liable to a term of imprisonment of five to twelve years if he commits the offence referred to in paragraphs 1 or 2.

- a) on an extensive scale, or
- b) as a member of a dangerous grouping.

Section 220

Falsification and Fraudulent Alteration of Motor Vehicle Identification Numbers

(1) Any person who falsifies or alters a vehicle identification number, vehicle engine serial number, vehicle manufacturer's identification plate or serial number of vehicle parts, or uses a vehicle identification number, vehicle engine serial number, vehicle manufacturer's identification plate or

serial number of vehicle parts of another motor vehicle as genuine ones, shall be liable to a term of imprisonment of up to three years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1,

a) and he was already convicted for such offence,

b) with respect to a motor vehicle of larger value, or causes larger damage through the commission of such offence, or

c) by reason of specific motivation.

(3) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner,

b) with respect to a motor vehicle of substantial value, or causes substantial damage through the commission of such offence.

(4) The offender shall be liable to a term of imprisonment of four to ten years if he commits the offence referred to in paragraph 1

a) with respect to a motor vehicle of considerable value, or causes large-scale damage through the commission of such offence, or

b) as a member of a dangerous grouping.

Section 221 Fraud

(1) Any person who enriches himself or other to the detriment of another person's property through misrepresentation of another person or through taking advantage of another person's mistake, and thus causes small damage to the property of another, shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1, and causes larger damage through its commission.

(3) The offender shall be liable to a term of imprisonment of three to ten years if he commits the offence referred to in paragraph 1,

a) and causes substantial damage through its commission,

b) by reason of specific motivation, or

c) acting in a more serious manner.

(4) The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence referred to in paragraph 1,

a) and causes large-scale damage through its commission,

b) as a member of a dangerous grouping, or

c) under a crisis situation.

Section 222 Credit Fraud

(1) Any person who elicits a credit or procurement of a credit from another person by giving him false information concerning the terms of the granting or repayment of such credit, and thus causes him small damage, shall be liable to a term of imprisonment of one to five years.

(2) The offender shall be liable to a term of imprisonment of two to five years if he, in the capacity of an employee, member, statutory body, representative or other person authorised to act in lieu of the person extending a credit, facilitates a credit to be obtained by a person despite he knows that the person does not satisfy the conditions required for its granting.

(3) The offender shall be liable to a term of imprisonment of three to ten years if he commits the offence referred to in paragraphs 1 or 2,

a) and causes larger damage through its commission,

b) by reason of specific motivation, or

c) acting in a more serious manner.

(4) The offender shall be liable to a term of imprisonment of five to twelve years if he commits the offence referred to in paragraphs 1 or 2, and causes substantial damage through its commission.

(5) The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence referred to in paragraphs 1 or 2,

a) and causes large-scale damage through its commission,

- b) as a member of a dangerous grouping, or
- c) under a crisis situation.

Section 223 Insurance Fraud

(1) Any person who elicits payment of an insurance benefit from another by misrepresenting him in satisfying the conditions of its rendering, and thus causes him small damage, shall be liable to a term of imprisonment of one to five years.

(2) The offender shall be liable to a term of imprisonment of two to five years if he, in the capacity of an employee, member, representative or other person authorised to act in lieu of the person extending an insurance coverage, facilitates an insurance benefit to be obtained by a person despite he knows that the person does not satisfy the conditions required for its granting.

(3) The offender shall be liable to a term of imprisonment of three to ten years if he commits the offence referred to in paragraphs 1 or 2,

- a) and causes larger damage through its commission,
- b) by reason of specific motivation, or
- c) acting in a more serious manner.

(4) The offender shall be liable to a term of imprisonment of five to twelve years if he commits the offence referred to in paragraphs 1 or 2, and causes substantial damage through its commission.

(5) The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence referred to in paragraphs 1 or 2,

- a) and causes large-scale damage through its commission,
- b) as a member of a dangerous grouping, or
- c) under a crisis situation.

Section 224 Capital Fraud

(1) Any person who, in connection with an offer, sale or distribution of securities or other commercial papers that promise to acquire beneficial

interest in yield corporate assets, or in connection with an offer to increase yield upon such investment in prospectuses or other promotional materials or surveys concerning the property owned or corporate yields, gives to a higher number of persons false or unreal data on yield upon investment or the property owned by a corporation that is to be invested into, or who conceals disadvantages of such investments, shall be liable to a term of imprisonment of one to five years.

(2) The offender shall be liable to a term of imprisonment of three to ten years if he commits the offence referred to in paragraph 1,

a) and causes larger damage through its commission,

b) by reason of specific motivation, or

c) acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of five to twelve years if he commits the offence referred to in paragraph 1, and causes substantial damage through its commission.

(4) The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence referred to in paragraph 1,

a) and causes large-scale damage through its commission,

b) as a member of a dangerous grouping, or

c) under a crisis situation.

Section 225 Subsidy Fraud

(1) Any person who elicits from another person a grant, subsidy, contribution or other consideration from the budget of the State, public institution, the State fund, self-governing region or municipality without meeting the requirements prescribed by a generally binding legal regulation for the granting of such means, through deceiving such other person into believing that he meets such requirements, shall be liable to a term of imprisonment of one to five years.

(2) The same sentence as referred to in paragraph 1 shall be imposed on the offender who uses an unlawfully obtained grant, subsidy, contribution or other consideration from the budget of the State, public institution, the State fund, self-governing region or municipality for a different than agreed purpose on a larger scale.

(3) The offender shall be liable to a term of imprisonment of two to five years if he, in the capacity of an employee, member, agent, or other person authorised to act in lieu of the person extending a grant, subsidy, contribution or other consideration from the budget of the State, public institution, the State fund, self-governing region or municipality, helps another person to obtain a grant, subsidy, contribution or other consideration from the budget of the State, public institution, the State fund, self-governing region or municipality, although he knows that the person concerned does not satisfy the conditions required for its granting.

(4) The offender shall be liable to a term of imprisonment of three to ten years if he commits the offence referred to in paragraphs 1, 2 or 3,

a) and causes larger damage through its commission,

b) by reason of specific motivation, or

c) acting in a more serious manner.

(5) The offender shall be liable to a term of imprisonment of five to twelve years if he commits the offence referred to in paragraphs 1, 2 or 3, and causes substantial damage through its commission.

(6) The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence referred to in paragraphs 1, 2 or 3,

a) and causes large-scale damage through its commission,

b) as a member of a dangerous grouping, or

c) under a crisis situation.

Section 226 Unjust Enrichment

(1) Any person who enriches himself or other to the detriment of another person's property by making unauthorised intervention into the computer hardware or software, automatic machine or a similar device or equipment designed for automatic selling of goods, exchange or withdrawal of cash, or for dispensing paid-for operations, services, information or other performances with the aim of obtaining goods, services or information without payment or of collecting cash without authorisation, and who thus causes a small damage to another person's property, shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of between six months and three years if he commits the offence referred to in paragraph 1,

a) and causes larger damage through its commission,

b) by reason of specific motivation, or

c) acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1, and causes substantial damage through its commission.

(4) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1,

a) and causes large-scale damage through its commission,

b) as a member of a dangerous grouping,

c) under a crisis situation.

Section 227 Fraudulent Bankruptcy

(1) Any person who, with the intention of causing damage to another or obtaining unjustified benefits for himself or other, causes bankruptcy to the legal entity whereof he is an authorised representative or corporate agent, by making use of the assets of the legal entity concerned, even in part, for

a) setting up of other legal entity, or

b) acquiring its equity stakes in other legal entity, or who does so with the intention of causing bankruptcy to the legal entity whereof he is an authorised representative or corporate agent, shall be liable to a term of imprisonment of up to three years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1, and causes larger damage or obtains larger benefit for himself or other through its commission.

(3) The offender shall be liable to a term of imprisonment of two to eight years if he commits the offence referred to in paragraph 1,

a) and causes substantial damage or obtains substantial benefit for himself or other through its commission, or

b) acting in a more serious manner.

(4) The offender shall be liable to a term of imprisonment of five to twelve years if he commits the offence referred to in paragraph 1,

a) and causes large-scale damage or obtains large-scale benefit for himself or another through its commission, or

b) and causes bankruptcy to another through its commission.

Section 228 Induced Bankruptcy

(1) Any person who causes bankruptcy to a legal entity and, at a larger scale, prevents the satisfaction of its creditor in such a way that he

a) makes investment into loss-making deal without adequate financial backing,

b) takes or provides a credit that presents high business risk considering the amount of the assets of the legal entity,

c) to the detriment of the creditor of the legal entity, destroys, damages, donates, conceals or otherwise suppresses the assets of the legal entity concerned, even in part,

d) uses a larger part of business revenue of the legal entity for personal consumption, or

e) places business revenue of the legal entity, even in part, into lotteries, games or wagers, shall be liable to a term of imprisonment of up to three years.

(2) The same sentence as referred to in paragraph 1 shall be imposed on the offender who acts in a manner referred to under paragraph 1 subpar. a) through e), and the legal entity was precluded from bankruptcy only through extending a contribution or taking other measure by the authority of the State, self-government or by a public institution, although they were not obliged to do so.

(3) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraphs 1 or 2, and causes substantial damage through its commission.

(4) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraphs 1 or 2,

a) and causes large-scale damage through its commission, or

b) and causes bankruptcy to another.

Section 229 Illegal Gambling and Wagers

(1) Any person who operates a cash game or a similar game, or who runs a bookmaking operation whose rules do not guarantee the same chance of winning to all the participants, shall be liable to a term of imprisonment of one to five years.

(2) The offender shall be liable to a term of imprisonment of four to eight years if he commits the offence referred to in paragraph 1,

a) and causes larger damage through its commission, or

b) by reason of specific motivation.

(3) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1,

a) and causes substantial damage through its commission, or

b) acting in a more serious manner.

(4) The offender shall be liable to a term of imprisonment of twelve to fifteen years if he commits the offence referred to in paragraph 1,

a) and causes large-scale damage through its commission, or

b) as a member of a dangerous grouping.

Section 230 Illegal Lotteries and Similar Games

(1) Any person who operates without licence a lottery or a similar game shall be liable to a term of imprisonment of one to five years.

(2) The offender shall be liable to a term of imprisonment of four to eight years if he commits the offence referred to in paragraph 1,

a) and causes larger damage through its commission, or

b) by reason of specific motivation.

(3) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1,

a) and cause substantial damage through its commission, or

b) acting in a more serious manner.

(4) The offender shall be liable to a term of imprisonment of twelve to fifteen years if he commits the offence referred to in paragraph 1,

a) and causes large-scale damage through its commission, or

b) as a member of a dangerous grouping.

Sharing Section 231

(1) Any person who conceals, transfers to himself or another, leases or accepts as a deposit

a) a thing obtained through a criminal offence committed by another person, or

b) anything procured in exchange for such a thing,

shall be liable to a term of imprisonment of up to three years.

(2) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1,

a) and obtains larger benefit for himself or another through its commission,

b) by reason of specific motivation, or

c) uses such thing for his own business purposes.

(3) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1,

a) and obtains substantial benefit for himself or another through its commission, or

b) acting in a more serious manner.

(4) The offender shall be liable to a term of imprisonment of twelve to twenty years if he commits the offence referred to in paragraph 1,

a) and obtains large-scale benefit for himself or another through its commission, or

b) as a member of a dangerous grouping.

Section 232

(1) Any person who, by negligence, conceals or transfers to himself or another a thing of considerable value obtained through a criminal offence committed by another person, shall be liable to a term of imprisonment of up to one year.

(2) The offender shall be liable to a term of imprisonment of between six months and three years if he commits the offence referred to in paragraph 1, and enables another to disguise the origin or disclosure of a thing obtained through a criminal offence committed in the territory of the Slovak Republic or abroad.

(3) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1,

a) and obtains substantial benefit for himself or another,

b) acting in a more serious manner, or

c) with respect to things originated from the trafficking in narcotics, psychotropic, nuclear or high risk chemical substances, or from another particularly serious felony.

(4) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1, and obtains large-scale benefit for himself or another through its commission.

Legalisation of the Proceeds of Crime

Section 233

(1) Any person who performs any of the following with regard to income or other property obtained by crime with the intention to conceal such income or thing, disguise their criminal origin, conceal their intended or actual use for committing a criminal offence, frustrate their seizure for the purposes of criminal proceedings or forfeiture or confiscation:

a) transfers to himself or another, lends, borrows, transfers in a bank or a subsidiary of a foreign bank, imports, transits, delivers, transfers, leases or otherwise procures for himself or another, or

b) holds, hides, conceals, uses, consumes, destroys, alters or damages,

shall be liable to a term of imprisonment of two to five years.

(2) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1

a) by reason of specific motivation, or

b) and obtains larger benefit for himself or another through its commission.

(3) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1

a) as a public figure,

b) and obtains substantial benefit for himself through its commission, or

c) acting in a more serious manner.

(4) The offender shall be liable to a term of imprisonment of twelve to twenty years if he commits the offence referred to in paragraph 1,

a) and obtains large-scale benefit for himself or another through its commission,

b) with respect to things originated from the trafficking in narcotics, psychotropic, nuclear or high risk chemical substances, weapons and human beings or from another particularly serious felony, or

c) as a member of a dangerous grouping.

Section 234

(1) Any person who fails to inform or report

a) the facts indicating that other person has committed the criminal offence of laundering the proceeds of crime pursuant to Section 233, or

b) an unusual business transaction, although he has such obligation by virtue of his employment, profession, position or function, shall be liable to a term of imprisonment of two to eight years.

(2) The act referred in paragraph 1 shall not give rise to criminal liability if the offender cannot make the information or report without the risk of criminal prosecution against himself or a close person.

Section 235 Usury

(1) Any person who by taking advantage of another person's distress, inexperience or unsoundness of mind or agitation solicits consideration or the pledge of consideration for the benefit of himself or other person, if the value of such consideration is grossly disproportionate to the value of consideration contributed by the offender, or who enforces such claim or, with the intention of enforcing it, he transfers the claim to himself shall be liable to a term of imprisonment of one to five years.

(2) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1,

a) and causes larger damage through its commission,

b) against a protected person, or

c) by reason of specific motivation.

(3) The offender shall be liable to a term of imprisonment of five to twelve years if he commits the offence referred to in paragraph 1,

a) and causes substantial damage through its commission, or

b) acting in a more serious manner.

(4) The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence referred to in paragraph 1,

a) and causes large-scale damage through its commission, or

b) as a member of a dangerous grouping.

Section 236 Concealment of a Thing

(1) Any person who appropriates a thing of a small value belonging to another person, which he got possession of through finding it, by mistake, or otherwise, without the permission of the entitled owner, shall be liable to a term of imprisonment of up to one year.

(2) The offender shall be liable to a term of imprisonment of between six months and five years if he commits the offence referred to in paragraph 1, and causes larger damage through its commission.

Breach of Trust by Maladministration of Estates of Another **Section 237**

(1) Any person who causes small damage to another person by breaching his own obligation to take care of or administer another person's property prescribed by a generally binding legal regulation or imposed by a court decision, or an obligation accepted under a contract, shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1,

a) and causes substantial damage through its commission, or

b) by reason of specific motivation.

(3) The offender shall be liable to a term of imprisonment of three to ten years if he commits the offence referred to in paragraph 1,

a) and causes large-scale damage through its commission, or

b) acting in a more serious manner.

(4) The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence referred to in paragraph 1,

a) and causes large-scale damage through its commission, or

b) as a member of a dangerous grouping.

Section 238

Any person who by negligence causes substantial damage to another by breaching his own obligation to take care of or administer another person's property prescribed by a generally binding legal regulation or imposed by a court decision shall be liable to a term of imprisonment of up to two years.

Section 239 **Harm Done to a Creditor**

(1) Any person who prevents, even though in part, the satisfaction of his creditor in such a way that he

a) destroys, damages, renders unusable, conceals, sells, exchanges or otherwise suppresses even the part of his assets,

b) encumbers the thing which constitutes the subject-matter of an obligation, or leases it,

c) pretends or acknowledges a non-existent title or claim to the assets, or assigns his claim, or assumes a debt of another, even though he was neither obliged nor entitled to do so, or d) pretends the reduction or loss of his assets, shall be liable to a term of imprisonment of up to two years.

(2) The same sentence as referred to in paragraph 1 shall be imposed on the offender who prevents, even though in part, the satisfaction of the creditor of another person in such a way that he

a) destroys, damages, renders unusable, conceals, sells, exchanges, donates or otherwise suppresses even the part of the assets of the debtor, or

b) applies a non-existent title or claim to the assets of the debtor.

(3) The offender shall be liable to a term of imprisonment of between six months and three years if he commits the offence referred to in paragraphs 1 or 2,

a) and causes larger damage through its commission, or

b) by reason of specific motivation.

(4) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraphs 1 or 2, and causes substantial damage through its commission.

(5) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraphs 1 or 2,

a) and causes large-scale damage through its commission,

b) causes bankruptcy to the business of another person, or

c) acting in a more serious manner.

Section 240
Preferential Treatment of a Creditor

(1) Any person who, in the capacity of a debtor unable to meet all his mature liabilities, prevents, even though in part, the satisfaction of his creditor by preferential treatment of another creditor shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of between six months and three years if, through the commission of the offence referred to in paragraph 1, he causes larger damage.

(3) The offender shall be liable to a term of imprisonment of three to eight years if, through the commission of the offence referred to in paragraph 1, he causes large-scale damage.

Section 241

Deceitful Practices in Bankruptcy and Composition Proceedings

(1) Any person who, in the capacity of a bankruptcy creditor in connection with his voting at the creditors' meeting or who, in the capacity of a creditor in connection with putting the restructuring plan to the vote, accepts or receives a pledge of property or other profit shall be liable to a term of imprisonment of between six months and three years.

(2) The same sentence as referred to in paragraph 1 shall be imposed on any person who, in connection with the voting on compulsory composition, gives, offers or gives a pledge of property or other profit to a creditor in return for his consent with the composition.

(3) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraphs 1 or 2

a) by reason of specific motivation, or

b) acting in a more serious manner.

Obstructing Bankruptcy or Composition Proceedings

Section 242

(1) Any person who obstructs the bankruptcy, composition, restructuring or discharge proceedings by

a) failing to meet an obligation imposed on him under the act to regulate such proceedings, or

b) reporting false data in the list of assets and liabilities,

shall be liable to a term of imprisonment of between six months and five years.

(2) The offender shall be liable to a term of imprisonment of three to ten years if he commits the offence referred to in paragraph 1,

- a) and causes larger damage through its commission,
- b) by reason of specific motivation, or
- c) acting in a more serious manner.

Section 243

(1) Any person who obstructs the bankruptcy proceedings by

- a) concealing an asset which forms a part of the bankrupt's estate,
- b) preventing the inclusion and valuation of an asset which forms a part of bankrupt's estate,
- c) refusing to surrender an asset which forms a part of bankrupt's estate, or
- d) withholding, falsifying or destroying records concerning the assets or financial activities of the debtor,

shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of between six months and five years if he commits the offence referred to in paragraph 1, and causes larger damage through its commission.

(3) The offender shall be liable to a term of imprisonment if he commits the offence referred to in paragraph 1,

- a) and causes substantial damage through its commission, or
- b) acting in a more serious manner.

(4) The offender shall be liable to a term of imprisonment of four to ten years if he commits the offence referred to in paragraph 1, and causes large-scale damage through its commission.

Section 244 **Breaching the Ban on Competition**

(1) Any person being obliged to observe the ban on competition prescribed by law who breaches such ban set forth in the Act concerned, and thus causes larger damage to another, shall be liable to a term of imprisonment of between six months and three years.

(2) The offender shall be liable to a term of imprisonment of two to eight years if he commits the offence referred to in paragraph 1, and causes large-scale damage through its commission.

Harm Done to a Thing of Another Section 245

(1) Any person who destroys, damages or renders unusable a thing which belongs to another, and thus causes small damage to another person's property, shall be liable to a term of imprisonment of up to one year.

(2) The offender shall be liable to a term of imprisonment of between six months and three years if he commits the offence referred to in paragraph 1,

a) and causes larger damage through its commission, or

b) by reason of specific motivation.

(3) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1,a) and causes substantial damage through its commission,

b) against a thing enjoying protection under a separate regulation, or

c) acting in a more serious manner.

(4) The offender shall be liable to a term of imprisonment of seven to ten years if he commits the offence referred to in paragraph 1,

a) and causes large-scale damage through its commission, or

b) as a member of a dangerous grouping.

Section 246

(1) Any person who damages a thing which belongs to another by spraying, painting, covering with coloured writing or other substance shall be liable to a term of imprisonment of up to one year.

(2) The offender shall be liable to a term of imprisonment of between six months and three years if he commits the offence referred to in paragraph 1,

a) and causes larger damage through its commission, or

b) by reason of specific motivation.

(3) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1,

a) against a thing enjoying protection under a separate regulation,

b) and causes substantial damage through its commission,

c) acting in a more serious manner.

(4) The offender shall be liable to a term of imprisonment of seven to ten years if he commits the offence referred to in paragraph 1, and causes large-scale damage through its commission.

Section 247 Harm Done to and Abuse of an Information Carrier

(1) Any person who, with the intention to cause damage or other prejudice to another, or to obtain unjust benefit for himself or other, gains access without lawful authority to a computer system, an information carrier or the part thereof and

a) makes unauthorised use of his information,

b) unlawfully destroys, damages, deletes, alters such information or reduces their quality,

c) makes an unauthorised intervention into the computer hardware or software, or

d) obstructs the operation of computer system by inserting, transferring, damaging, deleting, reducing the quality, modifying or suppressing the computer data, or creates non-authentic data with the intention to be deemed or handled as authentic ones for legal use,

shall be liable to a term of imprisonment of between six months and three years.

(2) The same sentence as referred to in paragraph 1 shall be imposed on the offender who, with the intention to commit the offence referred to paragraph 1,

a) using technical means, makes an unauthorised monitoring of the closed transfer of computer data into the computer system, out of or within it, or

b) procures or makes accessible a computer programme and other equipments or computer password, access code or similar data enabling the access to the computer system in its entirety or to the part thereof.

(3) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraphs 1 or 2, and causes substantial damage through its commission.

(4) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1,

a) and causes large-scale damage through its commission, or

b) as a member of a dangerous grouping.

Section 248 Abuse of Property

(1) Any person who causes prejudice to an important cultural or other important public interest by destroying, damaging, rendering unusable or misplacing a thing which belongs to him and which enjoys protection under a separate regulation shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1, and causes larger damage through its commission.

(3) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1, and causes substantial damage through its commission.

(4) The offender shall be liable to a term of imprisonment of four to ten years if he commits the offence referred to in paragraph 1, and causes large-scale damage or other particularly serious consequence through its commission.

Section 249 Damaging and Devaluation of Cultural Heritage

(1) Any person who, without authorisation, carries out archaeological research or excavations in archaeological sites shall be liable to a term of imprisonment of up to one year.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner,

b) by reason of specific motivation, or

c) and appropriates a thing which represents an archaeological finding, and thus causes larger damage.

(3) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1, and appropriates a thing which represents an archaeological finding, and thus causes substantial damage.

(4) The offender shall be liable to a term of imprisonment of five to ten years if he commits the offence referred to in paragraph 1,

a) and appropriates a thing which represents an archaeological finding, and thus causes large-scale damage,

b) as a member of a dangerous grouping, or

c) under a crisis situation.

CHAPTER FIVE ECONOMIC CRIMINAL OFFENCES

Title One Criminal Offence Endangering Market Economy

Section 250 Abusing Participation in Economic Competition

(1) Any person who abuses participation in economic competition, and through

a) harming, by means of unfair competition, the goodwill of a competitor's undertaking, or

b) acting in breach of the legislation governing the protection of economic competition, he causes substantial damage to other competitor or

endangers the operation of his undertaking, shall be liable to a term of imprisonment of up to three years.

(2) The offender shall be liable to a term of imprisonment of two to six years if he commits the offence referred to in paragraph 1,

a) and causes large-scale damage through its commission,

b) and causes bankruptcy to other competitor's undertaking through its commission,

c) by reason of specific motivation, or

d) acting in a more serious manner.

Section 251 Unlawful Business Activity

(1) Any person who unlawfully carries out small-scale business activities shall be liable to a term of imprisonment of up to one year.

(2) The offender shall be liable to a term of imprisonment of between six months and three years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner,

b) by employing another without registering him as his employee, or

c) and obtains larger benefit for himself through its commission.

(3) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1, and causes substantial damage through its commission.

(4) The offender shall be liable to a term of imprisonment of four to eight years if he commits the offence referred to in paragraph 1,

a) and causes large-scale damage through its commission, or

b) as a member of a dangerous grouping.

Section 252 Unlawful Trading in Foreign Currency and Providing Foreign- Exchange Services

(1) Any person who trades in foreign currency or provides foreign-exchange services without lawful authority

a) acting in a more serious manner,

b) on a larger scale, or

c) in spite of having been convicted for the same or similar offence during the last twenty-four months or sanctioned during the last twelve months,

shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of between six months and five years if he commits the offence referred to in paragraph 1, and obtains substantial benefit for himself through its commission.

(3) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1,

a) and obtains large-scale benefit for himself through its commission,

b) as a member of a dangerous grouping, or

c) under a crisis situation.

Section 253 Illegal Alcohol Production

(1) Any person who produces alcohol in larger quantity without a licence, or who has in his possession or puts into circulation larger quantity of alcohol produced without a licence, shall be liable, unless the offence carries a more severe penalty, to a term of imprisonment of up to two years.

(2) The same sentence as referred to in paragraph 1 shall be imposed on any person who unlawfully produces or has in his possession an apparatus for producing alcohol.

Section 254 Breach of Regulations Governing Imports and Exports of Goods

(1) Any person who gives rise to considerable endangering of public interest by breaching the prohibition of or the restriction imposed on the import, export or transit of goods shall be liable to a term of imprisonment of up to two years.

(2) Any person who by larger amount curtails the payment of or fails to pay a customs duty or other payment levied pursuant to the law on imported goods shall be liable to a term of imprisonment of between six months and three years.

(3) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraphs 1 or 2 with at least two more persons.

(4) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraphs 1 or 2,

a) and causes substantial damage or other particularly serious consequence through its commission, or,

b) acting in a more serious manner.

(5) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraphs 1 or 2,

a) and causes large-scale damage through its commission, or

b) as a member of a dangerous grouping.

Breach of Regulations Governing the Handling of Controlled Goods and Technologies Section 255

(1) Any person who breaches the prohibition of or the restriction imposed on the handling of goods and technologies controlled under separate regulations shall be liable to a term of imprisonment of up to three years.

(2) Any person who exports without licence the goods or technologies controlled under separate regulations, or transfers them to a foreign state or an organisation having its registered office in a foreign country or to a foreign representative, shall be liable to a term of imprisonment of three to eight years.

Section 256

(1) Any person who breaches or fails to fulfil an important duty arising from his employment, profession, position or office, and thus causes a licence to be unlawfully issued for handling the goods and technologies controlled under separate regulations, or allows such goods to disappear from the records, shall be liable to a term of imprisonment of up to three years.

(2) The offender shall be liable to a term of imprisonment of between six months and five years if he commits the offence referred to in paragraph 1,

a) and thus the goods were transferred to a foreign country,

b) and causes substantial damage through its commission, or

c) with the intention to obtain substantial benefit.

(3) The offender shall be liable to a term of imprisonment of four to eight years if he commits the offence referred to in paragraph 1,

a) and causes large-scale damage through its commission,

b) with the intention to obtain large-scale benefit, or

c) as a member of a dangerous grouping.

Section 257

(1) Any person who obtains a document, required by the authorities in charge of monitoring goods and technologies subject to separate regulations, on the basis of false or incomplete data shall be liable to a term of imprisonment of up to two years.

(2) The same sentence as referred to in paragraph 1 shall be imposed on any person who destroys, damages, renders unusable or conceals documents required for keeping the records on goods and technologies controlled under separate regulations, or who fails keeping such records, or who interferes with computer hardware or software used to keep the records on such goods or technologies.

Section 258

Endangering Foreign Exchange Trade

(1) Any person who, during the period of imposed deposit duty or emergency situation in foreign exchange trade, endangers foreign exchange trade by a minor breach of the foreign exchange regulations shall be liable to a term of imprisonment of between six months and three years.

(2) The offender shall be liable to a term of imprisonment of two to six years if he commits the offence referred to in paragraph 1,

a) and causes substantial damage through its commission, or

b) acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of four to ten years if he commits the offence referred to in paragraph 1,

- a) and causes large-scale damage through its commission,
- b) as a member of a dangerous grouping, or
- c) under a crisis situation.

Title Two
Criminal Offences against Economic Discipline

Distortion of Data in Financial and Commercial Records
Section 259

(1) Any person who presents false or grossly distorted data, or conceals mandatory data concerning important facts in a statement, report, input data entered into the computer or in other documents, which serve for

- a) statistical verification, with the intention to obtain undue advantages for himself or another,
- b) employee records, with the intention to obtain undue advantages for himself or another,
- c) controlling accounting records,
- d) controlling the use of grants, subsidies or other State budget allocation, allocations from the budgets of a public institution, the State fund, a higher territorial unit or municipality,
- e) setting the value of property or security rate being transferred or assigned to other person,
- f) bankruptcy, composition, restructuring or write-off of debt, or
- g) entry into the Register of Companies or the Land Register, the Motor Vehicle Records or other register pursuant to a special regulation, shall be liable to a term of imprisonment of between six months to three years.

(2) The same sentence as referred to in paragraph 1 shall be imposed on any person who, with the intention referred to in paragraph 1,

- a) interferes with computer hardware or software, or

b) destroys, damages, renders unusable or fails to keep the records referred to in paragraph 1.

(3) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraphs 1 or 2,

a) and causes substantial damage through its commission,

b) acting in a more serious manner, or

c) by reason of specific motivation.

(4) The offender shall be liable to a term of imprisonment of five to twelve years if he commits the offence referred to in paragraphs 1 or 2,

a) and causes large-scale damage through its commission, or

b) causes a particularly serious disturbance to the running of the economy of the Slovak Republic or other particularly serious consequence.

Section 260

Any person who by negligence commits the criminal offence of distorting data in financial and commercial records pursuant to Section 259 par. 1 except for subparagraphs a) or b), thus causing large-scale damage, shall be liable to a term of imprisonment of three to eight years.

Damaging Financial Interests of the European Communities

Section 261

(1) Any person who uses or presents a false, incorrect or incomplete statement or document, or fails to provide mandatory data, or uses funds from the general budget of the European Communities or the budget managed by or on behalf of the European Communities for purpose other than that for which they were originally intended, and thus allows embezzlement or illegal withholding of funds from the aforesaid budget shall be liable to a term of imprisonment of between six months to three years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1,

a) and causes larger damage through its commission,

b) by reason of specific motivation, or

c) acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1, and causes substantial damage through its commission.

(4) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1,

a) and causes large-scale damage through its commission, or

b) as a member of a dangerous grouping.

Section 262

(1) Any person who by breaching or failing to comply with an obligation resulting from his employment, occupation, position or function in the management or supervision over his subordinates enables the commission of the criminal offence pursuant to Section 261 paragraph 1 shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of one to three years if, through the commission of the offence referred to in paragraph 1, he causes substantial damage.

(3) The offender shall be liable to a term of imprisonment of one to five years if, through the commission of the offence referred to in paragraph 1, he causes large-scale damage.

Section 263

(1) Any person who by negligence causes damage to the financial interests of the European Communities acting as referred to in Section 261 paragraph 1 shall be liable to a term of imprisonment of up to one year.

2) The offender shall be liable to a term of imprisonment of one to three years if, through the commission of the offence referred to in paragraph 1, he causes substantial damage.

Section 264

Endangering Trade, Bank, Postal, Telecommunication and Tax Secrets

(1) Any person who elicits information subject to trade, bank, postal, telecommunication or tax secrets with the intention of disclosing it to an unauthorised person, or who wilfully discloses such secrets to an

unauthorised person, shall be liable to a term of imprisonment of between six months and three years.

(2) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1,

a) and causes larger damage through its commission,

b) by reason of specific motivation, or

c) acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1,

a) and causes large-scale damage through its commission,

b) as a member of a dangerous grouping, or

c) under a crisis situation.

Section 265 Insider Trading

(1) Any person who unlawfully uses information which has not yet become public knowledge and which he has obtained by virtue of his employment, profession, position or function, and whose disclosure is liable to have a major impact on the decision in a commercial transaction, and who concludes or instigates the conclusion of a contract or an operation on the organised stock or commodities exchange, shall be liable to a term of imprisonment of up to three years.

(2) The same sentence as referred to in paragraph 1 shall be imposed on any person who, in his capacity of an employee, member of a statutory body, associate, entrepreneur, or participant in business operations of two or more undertakings or legal entities engaged in the same or similar line of business, with the intention referred to in paragraph 1, concludes or instigates the conclusion of a contract which prejudices one or several of such undertakings or legal entities.

(3) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraphs 1 or 2,

a) and causes larger damage through its commission,

b) by reason of specific motivation, or

c) acting in a more serious manner.

(4) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraphs 1 or 2,

a) and causes large-scale damage through its commission, or

b) as a member of a dangerous grouping.

Deceitful Practices in Public Procurement and Public Auction Section 266

(1) Any person who, in connection with public procurement or public auction, breaches a generally binding legal regulation on public procurement or public auction with the intention to cause damage to another or to obtain benefit for himself or another, or secures preferential treatment or more advantageous terms for a certain tenderer in public procurement or a bidder in public auction at the expense of other tenderers or bidders, shall be liable to a term of imprisonment of between six months and three years.

(2) The offender shall be liable to a term of imprisonment of two to eight years if he commits the offence referred to in paragraph 1,

a) and causes substantial damage through its commission,

b) by reason of specific motivation,

c) as the announcer or organiser of public procurement or public auction, member of a privatisation commission, auctioneer,

d) and requests, accepts or solicits a pledge of property or other benefit, or

e) acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1,

a) and causes large-scale damage through its commission, or

b) as a member of a dangerous grouping.

Section 267

Any person who uses deceitful practices in public procurement, namely if he a) forces another, through more serious misconduct, to refrain from taking part in public procurement,

b) provides, offers or promises property or other proceeds to another in exchange for refraining from taking part in public procurement, or

c) requests or accepts property or other proceeds in exchange for refraining from taking part in public procurement,

shall be liable to a term of imprisonment of one to five years.

Section 268

Any person who uses deceitful practices in public auctions, namely if he

a) forces another, through more serious misconduct, to refrain from submitting bids in an auction,

b) provides, offers or promises property or other proceeds to another in exchange for refraining from submitting bids in a public auction, or

c) requests or accepts property or other proceeds in exchange for refraining from submitting a bid in a public auction,

shall be liable to a term of imprisonment of one to five years.

Section 269

Harm Cause to a Consumer

(1) Any person who causes harm to a consumer thus causing him small damage through,

a) cheating on the quality, quantity or weight of goods, or type, quality and quantity of services provided, or

b) introducing goods, works or services on the market while withholding information about their substantial defects,

c) making the price offer, as a person authorised by the seller, as a consequence of which the goods are sold or the services are provided for the price exceeding the limit set forth under a generally binding legal regulation or a decision based upon it,

shall be liable to a term of imprisonment of between six months and three years.

(2) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1,

a) and obtains larger benefit through its commission,

b) acting in a more serious manner, or

c) in spite of having been convicted for the same offence during the past twenty-four months or released from the service of a term of imprisonment imposed upon him for such offence.

(3) The offender shall be liable to a term of imprisonment of four to ten years if, through the commission of the offence referred to in paragraph 1, he obtains substantial benefit or causes goods supply failure.

(4) The offender shall be liable to a term of imprisonment of seven to twelve years if, through the commission of the offence referred to in paragraph 1, he obtains large-scale benefit.

Section 269a

Unfair Trade Practices Directed towards a Consumer

(1) Any person who breaches consumer's rights by using trade practices that are under any circumstances considered unfair pursuant to a special consumer protection regulation,

a) in spite of having been convicted for the same offence during the past twenty-four months or released from the service of a term of imprisonment imposed upon him for such offence, or

b) in spite of having been sanctioned for the same offence during the past twenty-four months,

shall be liable to a term of imprisonment of between six months and three years.

(2) The same sentence as referred to in paragraph 1 shall be imposed on any person who breaches consumer's rights through giving an instruction to use trade practices as referred to in paragraph 1, in spite of having been sanctioned for the same offence during the past twenty-four months.

Title Three

Currency and Tax Related Criminal Offences

Section 270
Forgery, Fraudulent Alteration and Illicit Manufacturing of Money and Securities

(1) Any person who procures counterfeit, fraudulently altered or illicitly manufactured money or securities for himself or another, or who has such money or securities in his possession, shall be liable to a term of imprisonment of three to eight years.

(2) Any person who counterfeits, fraudulently alters or illicitly manufactures money or securities, or who counterfeits, fraudulently alters or illicitly manufactures money or securities with the intention of using them as genuine or as money or securities of a higher denomination, or who uses counterfeit, fraudulently altered or illicitly manufactured money or securities as genuine, shall be liable to a term of imprisonment of seven to ten years.

(3) The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence referred to in paragraphs 1 or 2

a) acting in a more serious manner, or

b) on a larger scale.

(4) The offender shall be liable to a term of imprisonment of twelve to twenty years if he commits the offence referred to in paragraphs 1 or 2

a) as a member of a dangerous grouping,

b) on an extensive scale.

Section 271
Uttering Counterfeit, Fraudulently Altered and Illicitly Manufactured Money and Securities

(1) Any person who imports, exports, transports, accepts or obtains counterfeit, fraudulently altered or illicitly manufactured money or securities with the intention of uttering them shall be liable to a term of imprisonment of seven to ten years.

(2) Any person who, having received the payment in counterfeit, fraudulently altered or illicitly manufactured money presented as genuine, utters them as genuine shall be liable to a term of imprisonment of up to two years.

(3) The same sentence as referred to in paragraph 2 shall be imposed on any person who uses counterfeit, fraudulently altered or illicitly manufactured securities as genuine.

Section 272

Manufacturing and Possession of Instruments for Counterfeiting and Forgery

(1) Any person who manufactures, procures for himself or another, or has in his possession an instrument or other object or software suitable for counterfeiting or alteration of money or their security features, securities, official documents, official seals and official seal-offs or emblems shall be liable to a term of imprisonment of up to three years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1 in connection with the performance of his profession.

Section 273

Endangering Circulation of Domestic Currency

Any person who refuses to accept domestic currency without having a valid reason or damages domestic currency shall be liable to a term of imprisonment of up to six months.

Section 274

Forgery, Fraudulent Alteration and Illicit Manufacturing of Duty Stamps, Postage Stamps, Stickers and Postmarks

(1) Any person who counterfeits, alters or illicitly manufactures duty stamps, domestic or foreign postage stamps including those withdrawn from circulation, postage stickers or postmarks with the intention to cause harm to another or obtain undue benefit for himself or another, or who utters such duty stamps, postage stamps, stickers or postmarks or uses them as genuine, shall be liable to a term of imprisonment of up to one year.

(2) The offender shall be liable to a term of imprisonment of between six months and five years if he commits the offence referred to in paragraph 1,

- a) and obtains larger benefit for himself through its commission,
- b) by reason of specific motivation, or
- c) acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of four to eight years if he commits the offence referred to in paragraph 1,

a) and obtains large-scale benefit through its commission, or

b) as a member of a dangerous grouping.

Section 275

Forgery and Fraudulent Alteration of Control Technical Measures for Labelling Goods

(1) Any person who counterfeits or fraudulently alters control stamps, control strips or other technical control measures designed to label goods for taxation or other purposes set forth under a generally binding legal regulation with the intention to cause harm to another, or to obtain undue benefit for himself or another, or who utters such control stamps or uses them as genuine or has them in his possession, shall be liable to a term of imprisonment of up to one year.

(2) The offender shall be liable to a term of imprisonment of between six months and five years if he commits the offence referred to in paragraph 1,

a) and obtains larger benefit through its commission,

b) by reason of specific motivation, or

c) acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of four to eight years if he commits the offence referred to in paragraph 1,

a) and obtains large-scale benefit through its commission, or

b) as a member of a dangerous grouping.

Section 276

Tax and Insurance Evasion

(1) Any person who, in a small amount, minimizes tax, a contribution to the social insurance fund, the national health insurance fund or the old age pension fund shall be liable to a term of imprisonment of one to five years.

(2) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1,

a) and he was already convicted for such offence,

b) and breaks an official seal-off to facilitate the commission of such offence,

c) acting in a more serious manner, or

d) on a larger scale.

(3) The offender shall be liable to a term of imprisonment of four to ten years if he commits the offence referred to in paragraph 1 on a substantial scale.

(4) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1 on an extensive scale.

Section 277 **Failure to Pay Tax and Insurance**

(1) Any person who, in a small amount, withholds and fails to return to a designated beneficiary due tax, a contribution to the social insurance fund, the national health insurance fund or the old age pension fund that he deducts or collects in compliance with the law, or who unlawfully puts forwards a claim for refund of value added tax or excise tax with the intention to obtain undue benefit for himself or another, shall be liable to a term of imprisonment of one to five years.

(2) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner, or

b) on a larger scale.

(3) The offender shall be liable to a term of imprisonment of four to ten years if, through the commission of the offence referred to in paragraph 1, he causes substantial damage.

(4) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1 on an extensive scale.

Section 278 **Failure to Pay Tax**

(1) Any person who fails to pay due tax shall be liable to a term of imprisonment of up to three years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1 on a substantial scale.

(3) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1 on an extensive scale.

Section 279

Breach of Regulations Governing State Technical Measures for Labelling Goods

(1) Any person who, with the intention of causing damage to another or to obtain undue benefit for himself or another, breaches a generally binding legal regulation by unlawful use of control stamps, control strips or other technical control measures designed to label goods for taxation or other statutory purposes, or who breaches a generally binding legal regulation by importing, exporting, transporting, having transported, putting into distribution or possessing goods with no control stamps, control strips or other technical control measures designed to label goods for taxation or other statutory purposes, shall be liable to a term of imprisonment of between six months and three years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1,

a) and causes larger damage through its commission,

b) by reason of specific motivation, or

c) acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1, a) and causes large-scale damage through its commission, or

b) as a member of a dangerous grouping.

Section 280

Common Provision

Protection under this Title shall be granted, apart from current money, also in respect of not current money during the period designed for its replacement, money not yet issued at the time of the commission of the criminal offence but designed for circulation, as well as money in foreign

currency including euro, and foreign securities including foreign wholesale securities on bearer or transferable by endorsement.

Title Four

Offences against Industrial Property Rights and against Copyright

Section 281

Infringing Trademark, Registered Apellation of Origin and Trade Name Rights

(1) Any person who introduces goods or provides services under a designation which is unlawfully identical with a trademark exclusively owned by another or a designation which can be easily mistaken with the latter shall be liable to a term of imprisonment of up to three years.

(2) The same sentence as referred to in paragraph 1 shall be imposed on any person who, in order to generate economic gain,

a) introduces goods under a designation which is unlawfully identical with an appellation of origin or a geographical indication exclusively owned by another or a designation which can be easily mistaken with the latter, or

b) unlawfully uses an identical trade name or any other designation that can be mistaken with such trade name of a legal entity or a natural person.

(3) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraphs 1 or 2,

a) and causes substantial damage through its commission,

b) by reason of specific motivation, or

c) acting in a more serious manner.

(4) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraphs 1 or 2,

a) and causes large-scale damage through its commission, or

b) as a member of a dangerous grouping.

Section 282

Infringing Industrial Property Rights

(1) Any person who unlawfully violates the right to a patent, utility model, design, topography of a semiconductor product or registered plant or

animal species shall be liable to a term of imprisonment of up to three years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1,

a) and causes substantial damage through its commission, or

b) acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1,

a) and causes large-scale damage through its commission, or

b) as a member of a dangerous grouping.

Section 283 Infringement of Copyright

(1) Any person who unlawfully infringes the protected copyright to a work, performance by a performing artist, an audio recording or audio-video recording, radio or television programme or database shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of between six months and three years if he commits the offence referred to in paragraph 1,

a) and causes larger damage through its commission,

b) acting in a more serious manner,

c) by reason of specific motivation, or

d) via computer system.

(3) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1, and causes substantial damage through its commission.

(4) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1,

a) and causes large-scale damage through its commission, or

b) as a member of a dangerous grouping.

**CHAPTER SIX
CRIMINAL OFFENCES AGAINST PUBLIC SAFETY AND AGAINST THE
ENVIRONMENT**

**Title One
Criminal Offences against Public Safety**

**Endangering Public Safety
Section 284**

(1) Any person who intentionally

a) exposes a group of people to the danger of death or grievous bodily harm, or exposes the property of another to the danger of large-scale damage by causing fire or flooding, or malfunctioning or accident of a means of public transportation, or harmful effects of explosives, gas, electricity, radioactivity or other similarly dangerous substances or forces, or commits other similarly dangerous act (general endangerment), or

b) increases general endangerment or frustrates the efforts designed to prevent or mitigate it, shall be liable to a term of imprisonment of four to ten years.

(2) The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence in paragraph 1

a) acting in a more serious manner,

b) against a protected person,

c) by reason of specific motivation, or

d) with the intention to prevent or obstruct the exercise of fundamental rights and freedoms by another.

(3) The offender shall be liable to a term of imprisonment of fifteen to twenty years if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death through its commission, or

b) as a member of a dangerous grouping.

(4) The offender shall be liable to a term of imprisonment of twenty to twenty-five years or to life imprisonment if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death to several persons through its commission, or

b) under a crisis situation.

Section 285

(1) Any person who causes or increases general endangerment by negligence, or frustrates the efforts designed to prevent or mitigate it, shall be liable to a term of imprisonment of up to one year.

(2) The offender shall be liable to a term of imprisonment of between six months and three years if he commits the offence referred to in paragraph 1 acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of two to five years if, through the commission of the offence referred to in paragraph 1, he causes

a) substantial damage, or

b) grievous bodily harm or death.

(4) The offender shall be liable to a term of imprisonment of four to ten years if he causes grievous bodily harm or death to several persons through the commission of the offence referred to in paragraph 1.

Damaging and Endangering the Operation of Publicly Owned Utility Section 286

(1) Any person who intentionally endangers the operation of

a) a public telecommunication installation, a public post office network or a means of public transportation, or removes or renders unusable a prohibitory or mandatory vertical traffic sign,

b) an installation designed to provide protection from emissions of pollutants,

c) a power-generating installation or public water supply or sewage systems,

d) a public facility designed to provide protection against fire, flooding, or other emergency event

e) a sea-floor cable or sea-floor pipeline,

f) a defence or protective facility designed to provide protection against air raids or similar attacks or their effects, or

g) forestry buildings and equipment, or

h) a similar publicly owned utility,

shall be liable to a term of imprisonment of one to five years.

(2) The offender shall be liable to a term of imprisonment of four to eight years if he commits the offence referred to in paragraph 1,

a) and causes the breakdown of operation of a publicly owned utility, or

b) under a crisis situation.

Section 287

Any person who intentionally destroys or renders unusable a clearly marked point of astronomical geodetic network or a basic levelling point or a gravimetric point shall be liable to a term of imprisonment of up to one year.

Section 288

Any person who endangers the operation of a public owned utility pursuant to Section 286 by negligence, except for a prohibitory or mandatory vertical traffic sign, shall be liable to a term of imprisonment of up to six months.

Section 289

Menace due to Intoxication

(1) Any person who performs an employment or other activity whereby he could endanger human lives or limbs or cause considerable damage to property while being in a condition he has voluntarily induced himself through ingestion of an addictive substance which makes him unfit to perform such an activity,

a) in spite of having been convicted for the same offence or released from serving an imprisonment sentence imposed in respect of such offence during the last twenty-four months,

b) in spite of having been sanctioned for a similar offence committed under the influence of an addictive substance during the last twenty-four months, or

c) caused, even though by negligence, bodily harm to another or larger damage to the property of another,

shall be liable to a term of imprisonment of up to one year.

(2) The offender shall be liable to a term of imprisonment of one to five years if he, while being in a condition he has voluntarily induced himself through ingestion of an addictive substance, performs activity whereby he could endanger human lives or limbs or cause considerable damage to property in performance of the employment or other activity in which the influence of an addictive substance presents a particular danger, especially if he drives a means of public transportation.

Section 290 **Breach of Duty under Imminent Danger Situation**

(1) Any person who frustrates or obstructs the prevention or mitigation of imminent danger situation, to which a group of persons are directly exposed, through, without reasonable grounds,

a) denying assistance he has an obligation by law to provide or he has pledged to provide, or

b) obstructing the provision of such assistance by other person,

shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of between six months and five years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner,

b) against a protected person,

c) by reason of specific motivation, or

d) in spite of having caused the imminent danger situation himself.

(3) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death through its commission, or

b) under a crisis situation.

Endangering the Safety of an Aircraft and a Civilian Vessel Section 291

(1) Any person who with the intention to seize or exercise control over an aircraft or a civilian vessel, on the board of such means of transport,

- a) uses violence or the threat of imminent violence against another,
- b) threatens another with killing, inflicting bodily harm or causing large-scale damage, or
- c) abuses defencelessness of another,

shall be liable to a term of imprisonment of ten to fifteen years.

(2) The offender shall be liable to a term of imprisonment of fifteen to twenty years if he commits the offence referred to in paragraph 1,

- a) and causes grievous bodily harm or death through its commission, or
- b) acting in a more serious manner.

3) The offender shall be liable to a term of imprisonment of twenty to twenty-five years or to life imprisonment if he commits the offence referred to in paragraph 1,

- a) and causes grievous bodily harm or death to several persons,
- b) as a member of a dangerous grouping, or
- c) under a crisis situation.

Section 292

Any person who gives false information, which is liable to jeopardise the safety or operation of an aircraft in flight or of a civilian vessel afloat, shall be liable to a term of imprisonment of up to three years.

Section 293 Hijacking an Aircraft to a Foreign Country

(1) Any person who, with the intention to hijack an aircraft to a foreign country, seizes the control of or uses without lawful authority such a means

of transport he has been entrusted shall be liable to a term of imprisonment of seven to fifteen years.

(2) The offender shall be liable to a term of imprisonment of fifteen to twenty-five years or to life imprisonment if he causes death through the commission of the offence referred to in paragraph 1.

Prohibited Acquisition and Possession of Firearms and Trafficking in them
Section 294

(1) Any person who, for himself or another, manufactures, imports, exports, transits, transports, procures or possesses ammunition without a licence, or who mediates such activity, shall be liable to a term of imprisonment of one to five years.

(2) Any person who, for himself or another, manufactures, imports, exports, transits, procures or possesses a firearm, any part or component thereof without a licence, or without bearing a firearm identification mark required for its identification under an international treaty whereby the Slovak Republic is bound, or who mediates such activity, shall be liable to a term of imprisonment of three to eight years.

(3) The same sentence as referred to in paragraph 2 shall be imposed on the offender who counterfeits, unlawfully obliterates, removes or otherwise alters an identification mark on a firearm required for its identification and supervision under an international treaty whereby the Slovak Republic is bound.

(4) The offender shall be liable to a term of imprisonment of four to ten years if he commits the offence referred to in paragraphs 1, 2 or 3

- a) acting in a more serious manner,
- b) by reason of specific motivation, or
- c) on a larger scale.

(5) The offender shall be liable to a term of imprisonment of eight to fifteen years if he commits the offence referred to in paragraphs 1, 2 or 3

- a) as a member of a dangerous grouping,
- b) on an extensive scale, or
- c) under a crisis situation.

Section 295

(1) Any person who, without a licence,

a) manufactures, imports, exports, transits, transports, procures or possesses for himself or another a weapon of mass destruction or any part or component thereof,

b) accumulates firearms, weapons of mass destruction, ammunition or explosives, or

c) mediates any of the activities referred to in subparagraphs a) or b),

shall be liable to a term of imprisonment of three to eight years.

(2) The same sentence as referred to in paragraph 1 shall be imposed on the offender if he,

a) for himself or another, develops, manufactures, imports, exports, transits, transports, procures, possesses, stores or uses an anti-personnel land mine, or

b) designs a building construction or uses a facility for chemical weapons production.

(3) The offender shall be liable to a term of imprisonment of seven to ten years if he commits the offence referred to in paragraphs 1 or 2

a) acting in a more serious manner,

b) by reason of specific motivation, or

c) on a larger scale.

(4) The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence referred to in paragraphs 1 or 2

a) as a member of a dangerous grouping, or on a considerable scale.

(5) The offender shall be liable to a term of imprisonment of fifteen to twenty years if he commits the offence referred to in paragraphs 1 or 2

a) on an extensive scale, or

b) under a crisis situation.

Section 296
Establishing, Masterminding and Supporting a Criminal Group

Any person who establishes or masterminds a criminal group, is its member, actively participates in it or supports it shall be liable to a term of imprisonment of five to ten years.

Section 297
Establishing, Masterminding and Supporting a Terrorist Group

Any person who establishes or masterminds a terrorist group, is its member, actively participates in it or supports it shall be liable to a term of imprisonment of eight to fifteen years.

Illicit Manufacturing and Possession of Nuclear Materials, Radioactive Substances, Hazardous Chemicals and Hazardous Biological Agents and Toxins
Section 298

(1) Any person who, without having a licence, manufactures, imports, exports, transits, purchases, sells, exchanges, modifies, uses, has transported or otherwise procures for himself or another, or has in his possession nuclear or other similar radioactive material or hazardous chemical, or hazardous biological agent or toxin, or paraphernalia designed for their manufacturing, shall be liable to a term of imprisonment of one to five years.

(2) The offender shall be liable to a term of imprisonment of three to ten years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner, or

b) by reason of specific motivation.

(3) The offender shall be liable to a term of imprisonment of ten to twenty years if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death through its commission,

b) and obtains considerable benefit through its commission, or

c) as a member of a dangerous grouping.

(4) The offender shall be liable to a term of imprisonment of twenty to twenty-five years or to life imprisonment if he commits the offence referred to in paragraph 1,

- a) and causes grievous bodily harm or death to several persons through its commission,
- b) and obtains large-scale benefit through its commission, or
- c) under a crisis situation.

Section 299

(1) Any person who manufactures, procures for himself or another, or has in his possession paraphernalia designed for illicit manufacturing of nuclear or other similar radioactive material or hazardous chemical, or hazardous biological agent and toxin, shall be liable to a term of imprisonment of one to five years.

(2) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1, and obtains larger benefit for himself or another through its commission.

(3) The offender shall be liable to a term of imprisonment of four to ten years if he commits the offence referred to in paragraph 1, and obtains considerable benefit for himself or another through its commission.

(4) The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence referred to in paragraph 1, and obtains large-scale benefit for himself or another through its commission.

Title Two Criminal Offences against the Environment

Endangering and Damaging the Environment Section 300

(1) Any person who wilfully creates the danger of smaller environmental damage by violating generally binding legal environmental protection regulations or the rules of protection and management of natural resources including natural healing resources and natural resources of mineral table water shall be liable to a term of imprisonment of up to three years.

(2) Any person who unlawfully erects any building in a protected area shall be liable to a term of imprisonment of one to five years.

(3) The same sentence as referred to in paragraph 2 shall be imposed on the offender if he commits the offence referred to in paragraph 1

- a) acting in a more serious manner, or

b) in a protected area including protection zone of natural healing resources and natural resources of mineral table water.

(4) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1, and causes substantial environmental damage through its commission.

(5) The offender shall be liable to a term of imprisonment of four to ten years if he commits the offence referred to in paragraph 1, and causes large-scale environmental damage through its commission.

Section 301

(1) Any person who by negligence creates the danger of larger environmental damage by violating generally binding legal environmental protection regulations or the rules of protection and management of natural resources including natural healing resources and natural resources of mineral table water shall be liable to a term of imprisonment of up to one year.

(2) The offender shall be liable to a term of imprisonment of up to three years if he commits the offence referred to in paragraph 1 in a protected area including protection zone of natural healing resources and natural resources of mineral table water.

(3) The same sentence as referred to in paragraph 2 shall be imposed on the offender if he commits the offence referred to in paragraph 1, and causes substantial damage through its commission.

(4) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1, and causes large-scale damage through its commission.

Section 302

Unauthorised Handling of Waste

(1) Any person who breaches generally binding legal regulations when handling of a small amount of waste shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of between six months and three years if he commits the offence referred to in paragraph 1 on a larger scale.

(3) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1 on a considerable scale.

(4) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1 on an extensive scale.

Breach of Water and Air Protection Regulations

Section 303

(1) Any person who breaches generally binding legal regulations on water and air protection, and causes deterioration of surface or ground waters quality or air quality to the extent that he causes substantial damage shall be liable to a term of imprisonment of one to five years.

(2) The offender shall be liable to a term of imprisonment of three to eight years if, through the commission of the offence referred to in paragraph 1, he causes large-scale damage.

Section 304

(1) Any person who by negligence breaches generally binding legal regulations on water and air protection, and causes emergency deterioration of surface or ground waters quality or air quality to the extent that he causes substantial damage shall be liable to a term of imprisonment of between six months and three years.

2) The offender shall be liable to a term of imprisonment of one to five years if, through the commission of the offence referred to in paragraph 1, he causes large-scale damage.

Section 305

Breach of Plant and Animal Species Protection Regulations

(1) Any person who, in breach of generally binding legal regulations on nature and landscape protection, or generally binding legal regulations on specimen protection through the regulation of trade in them on a larger scale,

a) damages, destroys, uproots, digs up or picks a protected plant, or damages or destroys its biotope,

b) kills, injures, catches or replaces a protected animal, or damages or destroys its biotope and habitat,

c) damages or destroys a tree or shrub, or cuts them down, or

d) endangers protected animal or plant species,

shall be liable to a term of imprisonment of up to two years.

(2) Any person who, in breach of generally binding legal regulations on nature and landscape protection, or generally binding legal regulations on forest management, unlawfully drives a motor vehicle, motorized tricycle, motorized quadricycle, motorcycle or scooter on forest or agricultural land shall be liable to a term of imprisonment of up to one year.

(3) Any person who, in breach of generally binding legal regulations on nature and landscape protection, or generally binding legal regulations on specimen protection through the regulation of trade in them on a larger scale,

a) acquires for himself or procures for another a protected animal or a protected plant, or to a large extent procures for another their specimen,

b) cultivates, breeds, processes, imports or exports protected plants or protected animals, or specimens, or trafficks in them, or otherwise misappropriates them, or c) deliberately removes, falsifies, alters or otherwise unlawfully uses a unique identification mark of protected animal species or specimens, shall be liable to a term of imprisonment of between six months and three years.

(4) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraphs 1, 2 or 3

a) acting in a more serious manner,

b) by reason of specific motivation,

c) on a considerable scale,

d) with the intention to obtain substantial benefit for himself or another, or

e) in spite of having been convicted for the same offence during the past twenty-four months, or sanctioned for a similar offence during the past twenty-four months.

(5) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraphs 1, 2 or 3

a) as a member of a dangerous grouping,

- b) on an extensive scale, or
- c) with the intention to obtain large-scale benefit for himself or another.

Section 306
Breach of Trees and Shrubbery Protection Regulations

(1) Any person who, in breach of generally binding legal regulations on forest management, causes larger damage to or destroys a tree or a shrub, or cuts them down, shall be liable to a term of imprisonment of up to three years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1

- a) on a considerable scale, or
- b) in spite of having been convicted for the same offence during the past twenty-four months, or sanctioned for a similar offence during the past twenty-four months.

(3) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1

- a) as a member of a dangerous grouping, or
- b) on an extensive scale.

Spreading on a Contagious Disease of Animals and Plants
Section 307

(1) Any person who, even though by negligence, creates the danger of introducing or spreading a contagious disease of farm animals or other animals of economic importance shall be liable to a term of imprisonment of up to one year.

(2) The offender shall be liable to a term of imprisonment of between six months and three years if he commits the offence referred to in paragraph 1,

- a) and causes larger damage through its commission,
- b) and causes the spreading of such disease, or
- c) acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1, and causes substantial damage through its commission.

Section 308

(1) Any person who, even though by negligence, creates the danger of introducing or spreading a contagious disease or pest of industrial crops shall be liable to a term of imprisonment of up to one year.

(2) The offender shall be liable to a term of imprisonment of between six months and three years if he commits the offence referred to in paragraph 1,

a) and causes the spreading of such disease or pest, or

b) acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1, and causes substantial damage through its commission.

Section 309

Escape of Genetically Modified Organisms

(1) Any person who, in breach of generally binding legal regulations on the use of genetic technologies, causes escape of genetically modified organisms from enclosed facilities, or causes the release of genetically modified organisms into the environment, which may pose a threat to the humans or to the environment, shall be liable to a term of imprisonment of up to three years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1,

a) and causes larger damage through its commission,

b) by reason of specific motivation, or

c) acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of four to ten years if he commits the offence referred to in paragraph 1,

a) and causes substantial environmental damage through its commission, or

b) and causes grievous bodily harm or death through its commission.

(4) The offender shall be liable to a term of imprisonment of ten to twenty years if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death to several persons through its commission, or

b) under a crisis situation.

Section 310 Poaching

(1) Any person who unlawfully infringes hunting regulations or fishing regulations by engaging in game hunting and fishing without a permit, or by engaging in game hunting and fishing during the closed season, or by using unlawful methods, or who conceals, has in his possession or transfers to himself or another the game and fish unlawfully caught or found, shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of between six months and three years if he commits the offence referred to in paragraph 1

a) in a mass killing or condemnable manner,

b) on a small scale, or

c) in the capacity of a person who has been charged with a special duty to protect the environment.

(3) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1,

a) and he was already convicted for such offence,

b) on a larger scale, or

c) acting in a more serious manner.

(4) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1 on a considerable scale.

(5) The offender shall be liable to a term of imprisonment of four to ten years if he commits the offence referred to in paragraph 1 on an extensive scale.

CHAPTER SEVEN CRIMINAL OFFENCES AGAINST THE REPUBLIC

Title One Criminal Offences against the Foundations of the Republic

Section 311 High Treason

Any citizen of the Slovak Republic who, in association with a foreign power or a foreign agent, commits the criminal offence of seditious conspiracy against the Slovak Republic, terror, destructive actions or sabotage shall be liable to a term of imprisonment of fifteen to twenty-five years or to life imprisonment.

Section 312 Plotting against the Slovak Republic

(1) Any person who by using violence or the threat of violence makes an attempt to

a) change the constitutional system, breach autonomy or sovereignty of the Slovak Republic, or

b) violate territorial integrity of the Slovak Republic,

shall be liable to a term of imprisonment of ten to twelve years.

(2) The sentence of imprisonment of fifteen to twenty-five years or a life imprisonment sentence shall be imposed on any person who commits the offence referred to in paragraph 1,

a) and causes death to several persons through its commission,

b) and causes large-scale damage or other particularly serious consequence through its commission,

c) as a member of a dangerous grouping,

d) in the capacity of a public official, or

e) under a crisis situation.

Terror

Section 313

Any person who, with the intention of harming the constitutional system of the Slovak Republic, intentionally kills or makes an attempt at killing another person shall be liable to a term of imprisonment of twenty to twenty-five years or to life imprisonment.

Section 314

(1) Any person who takes a person hostage and threatens to kill him or cause him bodily or other harm with the aim of forcing the fulfilment of his conditions which are harmful to the constitutional system of the Slovak Republic shall be liable to a term of imprisonment of seven to twelve years.

(2) The offender shall be liable to a term of imprisonment of twelve to twenty years if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death through its commission,

b) against a protected person, or

c) acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of fifteen to twenty-five years or to life imprisonment if he commits the offence referred to in paragraph 1,

a) and causes death to several persons through its commission,

b) as a member of a dangerous grouping, or

c) under a crisis situation.

Destructive Actions

Section 315

(1) Any person who, with the intention of undermining the constitutional system or the defensibility of the Slovak Republic,

a) exposes a group of people to the danger of death or grievous bodily harm, or exposes the property of another to the danger of large-scale damage by causing fire or flooding, or malfunctioning or accident of a means of public transportation, or harmful effects of explosives, gas, electricity, radioactivity or other similarly dangerous substances or forces,

or increases the danger or frustrates the efforts designed to prevent or mitigate it, or

b) commits other similarly dangerous acts,

shall be liable to a term of imprisonment of seven to twelve years.

(2) The offender shall be liable to a term of imprisonment of twelve to twenty years if he commits the offence referred to in paragraph 1,

a) and causes larger damage through its commission,

b) acting in a more serious manner, or

c) against a protected person.

(3) The offender shall be liable to a term of imprisonment of fifteen to twenty-five years or to life imprisonment if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death through its commission,

b) and causes large-scale damage or other particularly serious consequence through its commission, or

c) as a member of a dangerous grouping.

(4) The offender shall be liable to a term of imprisonment of twenty to twenty-five years or to life imprisonment if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death to several persons through its commission, or

b) under a crisis situation.

Section 316

(1) Any person who, with the intention referred to in Section 315 par. 1, destroys, damages or renders unusable a thing belonging to another or to him shall be liable to a term of imprisonment of four to ten years.

(2) The offender shall be liable to a term of imprisonment of ten to twenty-five years if he commits the offence referred to in paragraph 1 under a crisis situation.

Section 317 Sabotage

(1) Any person who, with the intention of undermining the constitutional system or the defensibility of the Slovak Republic, abuses his employment, profession, position or function, or takes other actions aimed at

a) preventing or obstructing the fulfilment of an important task by the State authority, armed forces or armed corps, legal entity, or

b) causing malfunction or other serious damage to the operation of such an organisation or institution,

shall be liable to a term of imprisonment of four to ten years.

(2) The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death through its commission,

b) and causes larger damage through its commission, or

c) acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of fifteen to twenty-five years or to life imprisonment if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death to several persons through its commission,

b) and causes large-scale damage or other particularly serious consequence through its commission,

c) as a member of a dangerous grouping, or

d) under a crisis situation.

Title Two Criminal Offences against Security of the Republic

Section 318 Espionage

(1) Any person who seeks to discover the information classified in order to protect the interests of the Slovak Republic, or to protect the interests of

other state, an international organisation, supranational organisation or association of states, the interests whereof the Slovak Republic has pledged to protect, which is marked by law with the classification levels of Top Secret or Secret, with the aim of handing it over to a foreign power or a foreign agent, or who, with the same aim, gathers data comprising such classified information, or who intentionally relays such classified information to a foreign power, shall be liable to a term of imprisonment of four to ten years.

(2) The offender shall be liable to a term of imprisonment of eight to fifteen years if he commits the offence referred to in paragraph 1,

a) in the capacity of a member of an organisation whose mission is to seek access to classified information, or

b) in spite of having been specifically assigned an obligation not to disclose classified information.

(3) The offender shall be liable to a term of imprisonment of fifteen to twenty-five years or to life imprisonment if he commits the offence referred to in paragraph 1 under a crisis situation.

Jeopardising the Safety of Classified Information Section 319

(1) Any person who seeks to discover the information classified in order to protect the interests of the Slovak Republic, or to protect the interests of other state, an international organisation, supranational organisation or association of states, the interests whereof the Slovak Republic has pledged to protect, which is marked by law with the classification levels of Top Secret or Secret, with the aim of handing it over to an unauthorised person, or who, with the same aim, gathers data comprising such classified information, or who intentionally relays such classified information to an unauthorised person, shall be liable to a term of imprisonment of between six months and three years.

(2) Any person who seeks to discover the information referred to in paragraph 1 with the intention to relay it to a foreign country, or who intentionally relays such classified information to a foreign country, shall be liable to a term of imprisonment of one to five years.

(3) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraphs 1 or 2

a) in spite of having been specifically assigned an obligation not to disclose classified information, or

b) under a crisis situation.

Section 320

Any person whose negligence results in the disclosure of the information classified in order to protect the interests of the Slovak Republic, or to protect the interests of other state, an international organisation, supranational organisation or association of states, the interests whereof the Slovak Republic has pledged to protect, which is marked by law with the classification levels of Top Secret or Secret, to an unauthorised person, or who causes the loss of a document or a thing comprising such classified information, shall be liable to a term of imprisonment of up to three years.

CHAPTER EIGHT CRIMINAL OFFENCES AGAINST PUBLIC ORDER

Title One Criminal Offences against the Execution of Powers by Public Authorities

Assaulting a Public Authority Section 321

(1) Any person who uses violence with the intention of exercising an influence upon the execution of power by a public authority shall be liable to a term of imprisonment of one to five years.

2) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1 acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1, and causes grievous bodily harm or death through its commission.

(4) The offender shall be liable to a term of imprisonment of twelve to twenty years if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death to several persons through its commission, or

b) and causes large-scale damage or other particularly serious consequence through its commission.

Section 322

Any person who threatens another with killing, inflicting bodily harm or causing small damage

a) with the intention of exercising an influence upon the execution of power by a public authority, or

b) in connection with the execution of power by a public authority,

shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1 acting in a more serious manner.

Assaulting a Public Official Section 323

(1) Any person who uses violence

a) with the intention of exercising an influence upon the execution of power by a public official, or

b) in connection with the execution of power by a public official,

shall be liable to a term of imprisonment of one to five years.

(2) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1,

a) and causes bodily harm through its commission,

b) and causes larger damage through its commission,

c) acting in a more serious manner, or

d) against a body involved in the criminal proceedings or against a court.

(3) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death through its commission, or

b) and causes substantial damage through its commission.

(4) The offender shall be liable to a term of imprisonment of twelve to twenty-five years or to life imprisonment if he commits the offence referred to in paragraph 1,

a) and causes death to several persons through its commission, or

b) under a crisis situation.

Section 324

(1) Any person who threatens another with killing, inflicting bodily harm or causing small damage

a) with the intention of exercising an influence upon the execution of power by a public official, or

b) in connection with the execution of power by a public official,

shall be liable to a term of imprisonment of up to three years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1 acting in a more serious manner.

Section 325

Protection under Sections 321 through 324 shall be also granted to a person who stuck up for a public official's support and protection.

Title Two

Criminal Offences Committed by Public Officials

Section 326

Abuse of Power by a Public Official

(1) A public official who, with the intention of causing damage to another or obtaining undue benefit for himself or another,

a) exercises his powers in an unlawful manner,

b) exceeds his legal authority, or

c) fails to fulfil a duty resulting from his legal authority or from a court decision,

shall be liable to a term of imprisonment of two to five years.

(2) The offender shall be liable to a term of imprisonment of four to ten years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner,

b) against a protected person, or

c) by reason of specific motivation.

(3) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death through its commission,

b) and causes substantial damage through its commission, or

c) with the intention of preventing or obstructing the exercise of fundamental rights and freedoms by another.

(4) The offender shall be liable to a term of imprisonment of ten to twenty years if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death to several persons through its commission,

b) and causes large-scale damage through its commission,

c) under a crisis situation.

Section 327 Neglect of Duty by a Public Official

(1) A public official who, in the execution of his powers, fails to fulfil an important task by negligence shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1, and causes substantial damage or other particularly serious consequence through its commission.

Title Three Corruption

Passive Bribery Section 328

(1) Any person who, either directly or through an intermediary, receives, requests or accepts the promise of a bribe for himself or another for acting or refraining from acting, and thus breaches his duties resulting from his employment, occupation, position or function, shall be liable to a term of imprisonment of two to five years.

(2) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1 acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1 on an extensive scale.

Section 329

(1) Any person who, in connection with the procurement of a thing of general interest, receives, requests or accepts the promise of a bribe for himself or another, either directly or through an intermediary, shall be liable to a term of imprisonment of three to eight years.

(2) The offender shall be liable to a term of imprisonment of five to twelve years if he commits the offence referred in paragraph 1 in the capacity of a public official.

(3) The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence referred to in paragraphs 1 or 2 on an extensive scale.

Section 330

(1) Any person who as a foreign public official receives, requests or accepts the promise of a bribe for himself or another in connection with his official duties, either directly or through an intermediary, with the intention of obtaining or maintaining an undue advantage in an international business transaction, shall be liable to a term of imprisonment of five to twelve years.

(2) The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence referred to in paragraph 1 on an extensive scale.

Section 331

(1) Any person who as a member of a foreign parliamentary assembly, judge or official of an international judicial institution recognised by the

Slovak Republic, or a representative or employee of an international, supranational, intergovernmental organisation or institution with which the Slovak Republic has a contractual relationship, or as a person in a similar position receives, requests or accepts the promise of a bribe for himself or another in connection with the performance of his function, either directly or through an intermediary, shall be liable to a term of imprisonment of five to twelve years.

(2) The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence referred to in paragraph 1 on an extensive scale.

Active Bribery Section 332

(1) Any person who, either directly or through an intermediary, promises, offers or gives a bribe to another person to make that person act or refrain from acting, and thus breaches his duties resulting from his employment, profession, position or function, promises, offers or gives a bribe for the same reason to a third party, either directly or through an intermediary, shall be liable to a term of imprisonment of up to three years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1 acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of four to ten years if he commits the offence referred to in paragraph 1 on an extensive scale.

Section 333

(1) Any person who, in connection with the procurement of a thing of general interest, gives, offers or promises a bribe to another person, either directly or through an intermediary, or gives, offers or promises a bribe for the same reason to a third party, shall be liable to a term of imprisonment of between six months to three years.

(2) The offender shall be liable to a term of imprisonment of two to five years if he commits the offence referred to in paragraph 1,

a) acting in a more serious manner, or

b) against a public official.

(3) The offender shall be liable to a term of imprisonment of five to twelve years if he commits the offence referred to in paragraph 1 on an extensive scale.

Section 334

(1) Any person who, either directly or through an intermediary, gives, offers or promises a bribe to a foreign public official or to another person, in connection with the official duties of the foreign public official, with the intention of obtaining or maintaining an undue advantage in an international business transaction, shall be liable to a term of imprisonment of two to five years.

(2) The offender shall be liable to a term of imprisonment of five to twelve years if he commits the offence referred to in paragraph 1 on an extensive scale.

Section 335

(1) Any person who, either directly or through an intermediary, gives, offers or promises a bribe to a member of a foreign parliamentary assembly, judge or official of an international judicial institution recognised by the Slovak Republic, or a representative or employee of an international, supranational, intergovernmental organisation or institution with which the Slovak Republic has a contractual relationship, or to a person in a similar position in connection with the performance of his function, or gives, offers or promises a bribe for the same reason to a third party, shall be liable to a term of imprisonment of two to five years.

(2) The offender shall be liable to a term of imprisonment of five to twelve years if he commits the offence referred to in paragraph 1 on an extensive scale.

Section 336

Trading in Influence

(1) Any person who, either directly or through an intermediary, receives, requests or accepts the promise of a bribe for using or having used his influence on the execution of duties by persons referred to in Sections 328, 329, 330 and 331, shall be liable to a term of imprisonment of up to three years.

(2) Any person who, either directly or through an intermediary, promises, offers or gives a bribe to another person in order to make that person use his influence on the execution of duties by persons referred to in Sections

332 and 333 or for having used that influence, or gives, offers or promises a bribe to a third party for the same reason, shall be liable to a term of imprisonment of up to two years.

Title Four Certain Forms of Criminal Involvement

Section 337 Incitement

Any person who publicly incites the commission of a criminal offence, or makes a public appeal to large-scale non-compliance with an important duty prescribed by law, or based on the law, or to serious disturbances of public order, shall be liable to a term of imprisonment of up to two years.

Section 338 Condoning a Criminal Offence

(1) Any person who expresses public approval for a criminal offence or publicly praises the offender for the commission of an offence shall be liable to a term of imprisonment of up to one year.

(2) The same sentence as referred to in paragraph 1 shall be imposed on any person who, with the intention of expressing approval for a criminal offence,

a) rewards or compensates the offender or his close person for the punishment, or

b) raises funds for such reward or compensation.

Section 339 Aiding and Abetting

(1) Any person who provides assistance to the offender of a crime with the intention of helping him evade the criminal prosecution, imposition or execution of a sentence or protective measure shall be liable to a term of imprisonment of up to three years; if, however, such assistance is provided to the offender who has committed a criminal offence carrying a lesser sentence under this Act, such lesser sentence shall be imposed.

(2) No person who commits the offence referred to in paragraph 1 for the benefit of a close person shall be held criminally liable unless he does so with the intention to

a) assist a person who committed the criminal offence of high treason pursuant to Section 311, plotting against the Slovak Republic pursuant to Section 312, terror pursuant to Sections 313 and 314, destructive actions pursuant to Sections 315 and 316, sabotage pursuant to Section 317, espionage pursuant to Section 318 or genocide pursuant to Section 418, or

b) obtain property benefit for himself or another.

(3) No person who commits the offence referred to in paragraph 1 shall be held criminally liable if he was forced to provide such assistance and could not refuse it without putting himself or a close person at the risk of death, bodily harm or other serious harm.

Section 340 **Failing to Report a Criminal Offence**

(1) Any person who obtains trustworthy information about the commission of a felony by another person, carrying a maximum custodial sentence of at least ten years, or one of corruption offences set forth under Title Three of Chapter Eight of the Special Part of this Act, and fails to report such felony or criminal offence without delay to a body involved in the criminal proceedings or to the Police Force, or in case of a member of the armed forces to his commanding officer or service body, or in case of a person serving a custodial sentence or remanded in custody to a member of the Corps of Prison and Court Guard, shall be liable to a term of imprisonment of up to three years.

(2) No person who commits the offence referred to in paragraph 1 shall be held criminally liable if he could not have made such a report without putting himself or a close person at the risk of death, bodily harm, other serious harm or criminal prosecution.

(3) No person who commits the offence referred to in paragraph 1 shall be held criminally liable if, by reporting the criminal offence, he would breach

a) confessional secrecy or secrecy of information he received orally or in writing under the seal of secrecy as a person entrusted with pastoral care, or

b) non-disclosure obligation laid down by law.

Section 341 **Failing to Prevent a Criminal Offence**

(1) Any person who obtains trustworthy information suggesting that another person is preparing or committing a felony that carries a maximum custodial sentence of at least ten years under this Act, or one of corruption offences set forth under Title Three of Chapter Eight of the Special Part of this Act, and fails to prevent the commission or completion of such felony or criminal offence either in person or through other competent person or a competent body, shall be liable to a term of imprisonment of up to three years.

(2) No person who commits the offence referred to in paragraph 1 shall be held criminally liable if he could not have prevented the felony without considerable difficulties or without putting himself or a close person at the risk of death, grievous bodily harm, other serious harm or criminal prosecution. However, exposing a close person to the risk of criminal prosecution shall not exempt the offender from criminal liability in case of non-prevention of a felony carrying a life imprisonment sentence under this Act.

(3) The felony may also be prevented by notifying forthwith a body involved in the criminal proceedings or the Police Force; a member of the armed forces may file such report also with his commanding officer or service body, and a sentenced or remand prisoners with an officer of the Corps of Prison and Court Guard.

(4) The obligation referred to in paragraph 1 shall not apply to a person who would breach confessional secrecy by its fulfilment.

Title Five

Other Forms of Interfering with the Activities by Public Authorities

Section 342

Interfering with Judicial Independence

(1) Any person who exerts an influence on a judge with the aim of making him breach his duty in judicial proceedings, or who performs an action with the intention of obstructing the rights of the parties to the proceedings or of the accused to have a lawful judge, shall be liable to a term of imprisonment of one to six years.

(2) The offender shall be liable to a term of imprisonment of two to eight years if he commits the offence referred to in paragraph 1

a) by reason of specific motivation,

b) with the intention of preventing or obstructing the exercise of fundamental rights and freedoms by another, or

c) by publicly slandering a judge for his decision in a particular case.

(3) The offender shall be liable to a term of imprisonment of three to ten years if he commits the offence referred to in paragraph 1 with the intention of obtaining substantial benefit for himself or another, or causes substantial damage or other particularly serious consequence.

Section 343 Contempt of Court

Any person who, in spite of previous admonishment, repeatedly

a) seriously disturbs a court hearing,

b) displays disrespectful or contemptuous behaviour during the hearing, or

c) does not comply with an order or summons of the court without a justified excuse,

shall be liable to a term of imprisonment of up to two years.

Section 344 Obstruction of Justice

(1) Any person who, in proceedings before the court or in criminal proceedings,

a) presents as genuine the evidence of which he knows that it is false or altered,

b) falsifies, alters or obstructs the evidence or prevents the taking of evidence,

c) obstructs or prevents the presence or the testimony of a party to the criminal proceedings, party to the proceedings before the court, witness, expert, interpreter or translator, or

d) uses violence, threat of violence or threat of other grievous harm, or who promises, offers or provides undue advantage with the aim of exerting influence on a party to the criminal proceedings, party to the proceedings before the court, witness, expert, interpreter, translator, or a body involved in criminal proceedings, shall be liable to a term of imprisonment of one to six years.

(2) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1

a) with the intention of obtaining substantial benefit for himself or another, or causing substantial damage or other particularly serious consequence,

b) with the intention to prevent or obstruct the exercise of fundamental rights and freedoms by another, or

c) by reason of specific motivation.

Section 345 False Accusation

(1) Any person who falsely accuses another of the commission of a criminal offence with the intention of instigating criminal prosecution against him shall be liable to a term of imprisonment of one to five years.

(2) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1

a) by reason of specific motivation, or

b) in public.

(3) The offender shall be liable to a term of imprisonment of four to ten years if he commits the offence referred to in paragraph 1, and causes substantial damage or other particularly serious consequence through its commission.

Section 346 False Testimony and Perjury

(1) Any person who, in proceedings before the court or in criminal proceedings or for the purposes of criminal proceedings abroad, in the capacity of a witness before a prosecutor or police body or before a judge of an international body recognized by the Slovak Republic, gives a false statement concerning a fact which is of material relevance for the decision, or withholds the information concerning such fact, shall be liable to a term of imprisonment of one to five years.

(2) Any person who, in proceedings before the court or for the purposes of criminal proceedings abroad, in the capacity of a witness giving testimony under oath, gives a false statement concerning a fact which is of material relevance for the decision, or withholds the information concerning such fact, shall be liable to a term of imprisonment of two to five years.

(3) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraphs 1 or 2

a) acting in a more serious manner, or

b) by reason of specific motivation.

(4) The offender shall be liable to a term of imprisonment of four to ten years if he commits the offence referred to in paragraphs 1 or 2, and causes substantial damage or other particularly serious consequence through its commission.

Section 347 **False Expert Opinion, Interpreting and Translation**

(1) Any person who, acting in the capacity of an expert, interpreter or translator

a) before a court, prosecutor or police body in criminal proceedings, or before a court in civil or execution proceedings, or before an administrative body, or before a court in arbitration proceedings, gives a false statement concerning a fact which is of material relevance for the decision, or who withholds the information about such fact, or

b) in giving expert opinion, or acting as an interpreter or translator on a contractual basis inflicts a small damage to another by giving a false statement concerning a fact, which is of material relevance for the person concerned by expert opinion or interpretation or translation, or is of material relevance for the decision to be taken on the basis of such expert opinion, interpretation or translation, or by withholding the information about such fact,

shall be liable to a term of imprisonment of one to five years.

(2) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner, or

b) by reason of specific motivation.

(3) The offender shall be liable to a term of imprisonment of four to ten years if he commits the offence referred to in paragraph 1, and causes substantial damage or other particularly serious consequence through its commission.

Obstructing the Execution of an Official Decision
Section 348

(1) Any person who obstructs or substantially impedes the execution of a decision taken by a court or other public authority, by

a) failing to commence serving a sentence of imprisonment on the date specified by the court without a serious reason,

b) residing, without permission and without a serious reason, in a locality or district from which he has been banned under a prohibition of residence sentence, or by failing to comply with restrictions and obligations imposed on him by the court in connection with the execution of such sentence,

c) residing, without permission and without a serious reason, on the territory of the Slovak Republic despite having been imposed the sentence of expulsion from, or sentence of prohibition of residence on, the territory of the Slovak Republic,

d) carrying out the activities prohibited under the prohibition to undertake certain activities decision issued by a court or other State authority,

e) committing serious misconduct with the aim to frustrate the purpose of protective medical treatment or protective re-education imposed on him by a court or otherwise, in particular by escaping from an institution, or by substantially impeding the execution of such decisions, or

f) committing serious misconduct with the aim to prevent the purpose of remand in custody or sentence, or

g) committing serious or repeated misconduct with the aim to breach an order restraining him from entering shared household issued under separate regulation or on the basis of a preliminary measure taken by a court, or

h) committing serious misconduct whereby he frustrates an execution of imposed protective supervision,

shall be liable to a term of imprisonment of up to two years.

(2) Any person who, in the course of criminal proceedings, frustrates or substantially impedes the execution of a decision made by a court or other public authority by

a) destroying, damaging, rendering unusable, concealing, stealing or removing a thing affected by such decision, or

b) escaping the guards, escaping from the execution of custody or of an imprisonment sentence, or by helping in the escape of another,

shall be liable to a term of imprisonment of one to five years.

Section 349

Any person who obstructs the execution of a court decision or a court-approved agreement concerning the custody of minor children after the failure of measures issued against him in civil proceedings and aimed at enforcing the execution of such a decision or agreement, or who obstructs the execution of a preliminary measure in civil proceedings concerning the protection of persons endangered by violence or the custody of minor children, shall be liable to a term of imprisonment of one to five years.

Section 350

Obstructing the Execution of a Decision Taken by the Constitutional Court of the Slovak Republic

Any person who obstructs or substantially impedes the execution of a decision taken by the Constitutional Court of the Slovak Republic by failing to fulfil a duty resulting from its decision shall be liable to a term of imprisonment of up to two years.

Section 351

Obstructing the Preparation for and Holding of Elections or Referendum

(1) Any person who, using violence or the threat of violence or deceit, prevents other person from exercising his constitutional right to vote in the elections or in a referendum, or who, in the same way, forces other person to exercise such constitutional rights, shall be liable to a term of imprisonment of up to three years.

(2) The same sentence as referred to in paragraph 1 shall be imposed on any person who, in connection with exercising the constitutional rights referred to in paragraph 1,

a) makes intentionally wrong count of the votes, or breaches the secrecy of voting, or

b) otherwise grossly obstructs exercising of such constitutional rights.

(3) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraphs 1 or 2

- a) acting in a more serious manner,
- b) in the capacity of a public official,
- c) by reason of specific motivation, or
- d) in public.

Section 352

Counterfeiting and Altering a Public Instrument, Official Seal, Official Seal-off, Official Emblem and Official Mark

- (1) Any person who counterfeits or substantially alters the content of a public instrument, official seal, official seal-off, official emblem, official mark or hallmark with the intention of using them as genuine, or who uses them as genuine, or has them executed with the intention of using them as genuine, shall be liable to a term of imprisonment of up to three years.
- (2) The same sentence as referred to in paragraph 1 shall be imposed on any person who manages to be issued a public instrument, official seal, official seal-off, official emblem, official mark or hallmark based also on false data submitted.
- (3) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraphs 1 or 2 acting in a more serious manner.
- (4) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraphs 1 or 2, and causes substantial damage through its commission.
- (5) The offender shall be liable to a term of imprisonment of four to ten years if he commits the offence referred to in paragraphs 1 or 2, and causes large-scale damage or other particularly serious consequence through its commission.
- (6) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraphs 1 or 2 as a member of a dangerous grouping.
- (7) The protection under paragraphs 1 through 6 shall be also granted to foreign public instruments, official seals, official seal-offs, official emblems or official marks.

Section 353

Jeopardising the Safety of Confidential and Restricted Information

(1) Any person who seeks to discover the information classified in order to protect the interests of the Slovak Republic, or to protect the interests of other state, an international organisation, supranational organisation or association of states, the interests whereof the Slovak Republic has pledged to protect, which is marked by law with the classification levels of Confidential or Restricted, with the aim of handing it over to an authorised person, or who, with the same aim, gathers data comprising such classified information, or who intentionally relays such classified information to an unauthorised person, shall be liable to a term of imprisonment of up to one year.

(2) Any person who seeks to discover the classified information referred to in paragraph 1 with the intention to relay it to a foreign country, or who intentionally relays such classified information to a foreign country, shall be liable to a term of imprisonment of between six months and three years.

Section 354

Violent Crossing of the State Border

(1) Any person who crosses the State Border using violence or the threat of imminent violence shall be liable to a term of imprisonment of three to eight years.

(2) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1

- a) acting in a more serious manner,
- b) with at least two more persons, or
- c) by organising such offence.

(3) The offender shall be liable to a term of imprisonment of twelve to twenty years if he commits the offence referred to in paragraph 1,

- a) and causes grievous bodily harm or death through its commission, or
- b) under a crisis situation.

(4) The offender shall be liable to a term of imprisonment of twenty to twenty-five years or to life imprisonment if he commits the offence referred to in paragraph 1,

- a) and causes grievous bodily harm or death to several persons through its commission, or a) as a soldier under a crisis situation.

Smuggling of Migrants Section 355

(1) Any person who organises illegal crossing of the State Border of the Slovak Republic, or a transfer through its territory, for a person who is neither a citizen of the Slovak Republic nor a person with permanent residence in the territory of the Slovak Republic, or who enables such activity or aids and abets it, shall be liable to a term of imprisonment of one year to five years.

(2) Any person who, with the intention of obtaining financial or other material benefit for himself or another either directly or indirectly, for a person who is neither a citizen of the Slovak Republic nor a person with permanent residence in the territory of the Slovak Republic,

a) organises illegal crossing of the State Border of the Slovak Republic, or a transfer through its territory, or who enables such activity or aids and abets it, or

b) for the purpose referred to in subparagraph a), manufactures, procures, provides or has in his possession a forged passport or a forged identity card,

shall be liable to a term of imprisonment of three to eight years.

(3) The offender shall be liable to a term of imprisonment of seven to ten years if he commits the offence referred to in paragraphs 1 or 2,

a) and obtains larger benefit for himself or another through its commission,

b) by reason of specific motivation,

c) in a manner that may pose a danger to lives and limbs of facilitated persons, or constitutes inhuman or degrading treatment or abuse of facilitated persons, or

d) acting in a more serious manner.

(4) The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence referred to in paragraphs 1 or 2,

a) and causes grievous bodily harm or death through its commission,

b) and obtains substantial benefit for himself or another through its commission, or

c) as a member of a dangerous grouping.

(5) The offender shall be liable to a term of imprisonment of twelve to twenty years if he commits the offence referred to in paragraphs 1 or 2,

a) and causes grievous bodily harm or death to several persons through its commission,

b) and obtains large-scale benefit through its commission, or

c) under a crisis situation.

Section 356

Any person who, with the intention of obtaining financial or other material benefit for himself or another either directly or indirectly, enables or helps a person, who is neither a citizen of the Slovak Republic nor a person with permanent residence in the territory of the Slovak Republic, to stay in the territory of the Slovak Republic, or get an illegal job, shall be liable to a term of imprisonment of two to eight years.

Section 357

Illicit Crossing of the State Border

Any person who violates international flight regulations by entering the territory of the Slovak Republic using an aircraft shall be liable to a term of imprisonment of between six months and three years.

Section 358

Revolt of Prisoners

(1) Any person who takes part in the revolt of a group of prisoners against a supervisory body, its orders or prison rules shall be liable to a term of imprisonment of one to five years.

(2) The offender shall be liable to a term of imprisonment of four to ten years if he organises the offence referred to in paragraph 1.

CHAPTER NINE

CRIMINAL OFFENCES AGAINST OTHER RIGHTS AND FREEDOMS

Section 359

Violence against a Group of Citizens and against an Individual

(1) Any person who threatens a group of citizens with killing, inflicting grievous bodily harm or other aggravated harm, or with causing large-scale

damage, or who uses violence against a group of citizens, shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of between six months and three years if he commits the offence referred to in paragraph 1

- a) by reason of specific motivation,
- b) acting in a more serious manner, or
- c) in public.

Section 360 Serious Threats

(1) Any person who threatens another with killing, inflicting grievous bodily harm or other aggravated harm to an extent which may give rise to justifiable fears shall be liable to a term of imprisonment of up to one year.

(2) The offender shall be liable to a term of imprisonment of between six months and three years if he commits the offence referred to in paragraph 1

- a) acting in a more serious manner,
- b) against a protected person,
- c) with the intention of preventing or obstructing the exercise of fundamental rights and freedoms by another,
- d) by reason of specific motivation, or
- e) in public.

Disseminating False News Section 361

(1) Any person who deliberately creates the danger of serious concerns among the population of a certain location or at least a part thereof by disseminating a false alarming news, or commits other similar act capable of giving rise to such danger, shall be liable to a term of imprisonment of up to two years.

(2) Any person who reports a false alarming news, or other similar act referred to in paragraph 1, to a legal entity or the Police Force or other

State authority or to the mass media, although he knows that such news is false and may cause serious concerns among the population of a certain location or at least a part thereof, shall be liable to a term of imprisonment of one to five years.

(3) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 2,

a) and he was already convicted for such offence, or

b) and seriously impairs economic operation or economic activities of a legal entity or the activity of a State authority or other particularly serious consequence through its commission.

Section 362

Any person who, under a crisis situation in the State, even though by negligence, creates the danger of serious concerns, mood of despondency or defeatism among at least a part of the population of a certain location through spreading a false alarming news, shall be liable to a term of imprisonment of between six months and three years.

Section 363 Intoxication

(1) Any person who, even though by negligence, brings himself into a state of insanity through the ingestion or use of an addictive substance, and in such state commits an act which otherwise accomplishes the elements of a criminal offence, shall be liable to a term of imprisonment of three to eight years; however, if he commits an act which otherwise accomplishes the elements of a criminal offence carrying a lesser sentence under this Act, such lesser sentence shall be imposed.

(2) Neither the provision under paragraph 1 nor the one under Section 23 shall apply if the offender brings himself into a state of insanity with the intention of committing a criminal offence.

Section 364 Disorderly Conduct

(1) Any person who, either verbally or physically, commits gross indecency or disturbs peace in public or in a place accessible to public, in particular by

a) assaulting another,

b) desecrating the state symbol,

- c) desecrating a historical or cultural monument,
- d) grossly disturbing a citizens' assembly or the course of sporting or cultural event, or
- e) causing public nuisance through performing a sexual intercourse, sexual exhibitionism or other pathological sexual practices,

shall be liable to a term of imprisonment of up to three years.

(2) The offender shall be liable to a term of imprisonment of between six months and three years if he commits the offence referred to in paragraph 1

- a) by reason of specific motivation,
- b) acting in a more serious manner, or
- c) in the presence of a group of persons under eighteen years of age.

Section 365 Desecrating a Place of Eternal Rest

(1) Any person who destroys, damages or desecrates a grave, urn with the ashes of a deceased person, memorial or tombstone, or destroys or damages things at a burial ground or at other place of eternal rest, or who commits other gross indecency or beaches peace at a burial ground or at other place of eternal rest, shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of between six months and three years if he commits the offence referred to in paragraph 1

- a) acting in a more serious manner, or
- b) by reason of specific motivation.

(3) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1, and causes substantial damage through its commission.

Section 366 Improper and Indecent Interference with a Dead Human Body

(1) Any person who abuses or desecrates a dead human body, or unlawfully carries out the exhumation of mortal remains, or who, without authorisation, takes mortal remains away from the place where they are put to rest, or handles mortal remains in breach of a generally binding legal regulation, shall be liable to a term of imprisonment of up to three years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner, or

b) by reason of specific motivation.

Section 367 Procuring and Soliciting Prostitution

(1) Any person who hires, solicits, seduces, exploits, elicits or offers another to engage in prostitution, or who profits from the proceeds of someone else's prostitution, or enables prostitution to be practised, shall be liable to a term of imprisonment of up to three years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits such offence acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of three to ten years if he commits the offence referred to in paragraph 1 against a protected person.

(4) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1,

a) and obtains substantial benefit for himself or another through its commission,

b) as a member of a dangerous grouping, or

c) against a person under fifteen years of age.

(5) The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence referred to in paragraph 1, and causes grievous bodily harm or death through its commission.

Section 368 Manufacturing of Child Pornography

(1) Any person who exploits, elicits, offers or otherwise abuses a child for manufacturing child pornography, or enables such abuse of a child, or otherwise participates in such manufacturing, shall be liable to a term of imprisonment of four to ten years.

(2) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1

a) against a child under twelve years of age,

b) acting in a more serious manner, or

c) in public.

(3) The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death through its commission, or

b) and obtains substantial benefit through its commission.

(4) The offender shall be liable to a term of imprisonment of twelve to twenty years if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death to several persons through its commission,

b) and obtains large-scale benefit through its commission, or

c) as a member of a dangerous grouping.

Section 369 Dissemination of Child Pornography

(1) Any person who disseminates, transports, procures, makes accessible or otherwise puts into distribution child pornography shall be liable to a term of imprisonment of one to five years.

(2) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner, or

b) in public.

(3) The offender shall be liable to a term of imprisonment of four to ten years if he commits the offence referred to in paragraph 1, and obtains substantial benefit through its commission.

(4) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1, and obtains large-scale benefit through its commission.

Section 370

Possession of Child Pornography

Any person who has in his possession child pornography shall be liable to a term of imprisonment of up to two years.

Corrupting Morals

Section 371

(1) Any person who manufactures, purchases, imports or otherwise procures and subsequently sells, rents or otherwise puts into distribution, disseminates, makes publicly accessible or publishes pornographic works, audio or video carriers, images or other objects corrupting morals, which show human beings with disrespect and display violence, or depict sexual intercourse with an animal, or other pathological sexual practices, shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner, or

b) in public.

(3) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1, and obtains substantial benefit through its commission.

Section 372

Any person who

a) offers, surrenders or makes pornography accessible to a person under eighteen years of age, or

b) exhibits or otherwise makes pornography accessible to persons under eighteen years of age in a place accessible to such persons, shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner, or

b) in public.

(3) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1,

a) and obtains substantial benefit for himself or another, or

b) by offering, making available or exhibiting pornographic works, audio or video carriers or images, which show human beings with disrespect and display violence, or depict sexual intercourse with an animal, or other pathological sexual practices.

Section 373 Defamation

(1) Any person who communicates a false information about another likely to considerably damage the respect of fellow citizens for such a person, damage his career and business, disturb his family relations, or cause him other serious harm, shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1,

a) and causes substantial damage through its commission,

b) by reason of specific motivation.

c) in public, or

d) in business acting in a more serious manner.

(3) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1,

a) and causes large-scale damage through its commission, or

b) and causes another to lose his job, collapse his undertaking or divorce his marriage.

Section 374
Unauthorised Use of Personal Data

(1) Any person who, without lawful authority, communicates, make accessible or discloses

a) personal data of another obtained in connection with the execution of public administration or with the exercise of constitutional rights of a citizen, or

b) personal data of another obtained in connection with the execution of his own profession, employment or function,

and thus breaches his own obligation prescribed by a generally binding legal regulation, shall be liable to a term of imprisonment of up to one year.

(2) The offender shall be liable to a term of imprisonment of up to two years if he commits the offence referred to in paragraph 1,

a) and causes serious prejudice to the rights of the person concerned,

b) in public, or

c) acting in a more serious manner.

Harm Done to Rights of Another
Section 375

(1) Any person who causes serious prejudice to the rights of another by

a) misrepresentation of another or

b) taking advantage of mistake of another shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of between six months and three years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner,

b) against a protected person, or

c) by pretending to be a public official.

(3) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1, and obtains substantial benefit for himself or another through its commission.

Section 376

Any person who unlawfully breaches the secrecy of an instrument or other written document, audio recording, video recording or other recording, computer data or other document kept private by another through disclosing them or making them accessible to a third person, or using them otherwise, and thus causes serious prejudice to the rights of another, shall be liable to a term of imprisonment of up to two years.

Section 377

Breach of Confidentiality of Spoken Utterance and Other Personal Expression

(1) Any person who breaches the confidentiality of private spoken utterance or other personal expression by its unlawful recording, and makes such recording accessible to a third person or uses it otherwise, and thus causes serious prejudice to the rights of another, shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of between six months and three years if he commits the offence referred to in paragraph 1

a) as a member of an organised group,

b) and causes substantial damage through the commission of such offence, or

c) with the intention of obtaining substantial benefit for himself or another.

(3) The offender shall be liable to a term of imprisonment of between six months and five years if he

a) commits the offence referred to in paragraph 1 as a public official,

b) and causes large-scale damage through the commission of such offence, or

c) commits such offence with the intention of obtaining large-scale benefit for himself or another.

Section 378
Inflicting Cruelty to Animals

(1) Any person who ill-treats an animal

a) in spite of having been sanctioned for the similar offence during the past twelve months, or convicted for the same offence during the past twenty-four months,

b) in a particularly cruel and brutal manner, or

c) to the point of death,

shall be liable to a term of imprisonment of up to one year.

(2) The offender shall be liable to a term of imprisonment of between six months and three years if he commits the offence referred to in paragraph 1

a) subjecting to ill-treatment several animals,

b) in public or in a publicly accessible place,

c) subjecting to ill-treatment an animal protected by law, or

d) acting in a more serious manner.

CHAPTER TEN
CRIMINAL OFFENCES AGAINST MILITARY SERVICE, CIVIL MILITARY SERVICE, AGAINST SERVICE IN ARMED FORCES AND AGAINST THE DEFENCE OF THE HOMELAND

Title One
Criminal Offences against Military Service

Section 379
Impeding One's Capacity to Serve in the Army

(1) Any person who causes himself or another to become incapable, either permanently or temporarily, or less capable to fulfil military service or other duties required for the homeland defence, shall be liable to a term of imprisonment of between six months and five years.

(2) The offender shall be liable to a term of imprisonment of three to ten years if he commits the offence referred to in paragraph 1 under a crisis situation.

Section 380
Failure of Conscription

(1) Any person who fails to appear for the conscription or undergo medical examination with the intention to avoid or delay the conscription obligation shall be liable to a term of imprisonment of up to one year.

(2) The offender shall be liable to a term of imprisonment of between six months and three years if he commits the offence referred to in paragraph 1 under a crisis situation.

Section 381
Evading Compulsory Military Service

(1) Any person who commits deceitful practices with the intention of obtaining exemption from compulsory military service shall be liable to a term of imprisonment of up to one year.

(2) Any person who commits deceitful practices in order to

a) completely or partly avoid compulsory military service, or

b) completely or partly exempt another from compulsory military service,

shall be liable to a term of imprisonment of between six months and three years.

(3) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraphs 1 or 2 under a crisis situation.

Title Two
Criminal Offences against Civil Service

Failure to Commence Civil Military Service
Section 382

Any person who, with the intention of avoiding civil military service, fails to report for it within 24 hours after the expiry of the time-limit fixed in the call up paper shall be liable to a term of imprisonment of one to five years.

Evading Civil Military Service
Section 384

(1) Any person who, with the intention of avoiding civil military service or discharge of duties arising therefrom, inflicts self-injury, pretends illness,

falsifies an official instrument, abuses an addictive substance or uses other artifice, or who refuses to perform civil military service, shall be liable to a term of imprisonment of between six months and three years.

(2) Any person who refuses to fulfil the orders during the execution of civil military service, or who systematically fails to fulfil such orders, shall be liable to a term of imprisonment of up to two years.

Section 385

(1) Any person who, without permission, leaves the location where he performs his civil military service for more than 48 hours, or who is absent from such location without leave during the aforesaid period of time, shall be liable to a term of imprisonment of up to six months.

(2) Any person who, without permission, leaves the location where he performs his civil military service for more than 14 days, or who is absent from such location without leave during the aforesaid period of time, shall be liable to a term of imprisonment of between six months and three years.

(3) Any person who, with the intention of avoiding civil military service, leaves the location where he performs such service, or stays away from that location with the same intention, shall be liable to a term of imprisonment of between six months and five years.

Title Three

Criminal Offences against Service in Armed Forces

Failure to Commence Service in Armed Forces

Section 386

(1) Any person who, with the intention of avoiding military service, fails to report for service in armed forces within 24 hours after the expiry of the time-limit fixed in the call up paper shall be liable to a term of imprisonment of two to five years.

(2) The offender shall be liable to a term of imprisonment of five to ten years if he commits the offence referred to in paragraph 1 under a crisis situation.

Section 387

(1) Any person who, even though by negligence, fails to report for service in armed forces within 24 hours after the expiry of the time-limit fixed in the call up paper shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of between six months and three years if he commits the offence referred to in paragraph 1 under a crisis situation.

Section 388

Any person who after the declaration of mobilization fails, even though by negligence, to return forthwith from abroad to report for military service shall be liable to a term of imprisonment of one to five years.

Section 389

Breach of Personal and Material Duties

(1) Any person who after the declaration of mobilization fails to fulfil, even though by negligence, personal or material duty to accommodate for the sake of the homeland defence, or consciously avoids the fulfilment of such duty, or who, even though by negligence, interferes with or obstructs the fulfilment of such duty by another, shall be liable to a term of imprisonment of between six months and three years.

(2) The offender shall be liable to a term of imprisonment of two to eight years if, through the commission of the offence referred to in paragraph 1, he substantially jeopardises the defence of the homeland.

Title Four

Criminal Offences against the Defence of the Homeland

Section 390 Collaboration with the Enemy

Any person who, during the state of war or wartime, works for the benefit of the enemy or gives him any support whatsoever shall be liable to a term of imprisonment of one to ten years, unless his action is liable to a more severe punishment.

Section 391 War Treason

Any citizen of the Slovak Republic who, during the state of war or wartime, serves in the enemy army or enemy armed force shall be liable to a term of imprisonment of ten to twenty-five years or to life imprisonment.

Section 392

Service in a Foreign Army

(1) Any citizen of the Slovak Republic who, without authorisation, serves in a foreign army shall be liable to a term of imprisonment of two to eight years.

(2) The offender shall be liable to a term of imprisonment of five to ten years if he commits the offence referred to in paragraph 1 during the state of war or wartime.

CHAPTER ELEVEN MILITARY CRIMINAL OFFENCES

Title One

Criminal Offences against Military Subordination and Military Honour

Disobedience of the Order

Section 393

(1) Any person who refuses to carry out or intentionally fails to carry out an order shall be liable to a term of imprisonment of up to three years.

(2) The offender shall be liable to a term of imprisonment of two to eight years if he commits the offence referred to in paragraph 1

a) with a group of other soldiers,

b) using a weapon,

c) under such circumstances where he could obstruct or substantially aggravate the fulfilment of an important task to be performed in the line of duty, or

d) in the capacity of a member of armed forces dislocated out of the territory of the Slovak Republic.

(3) The same sentence as referred to in paragraph 2 shall be imposed of the offender if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death through its commission, or

b) and endangers combat readiness of the unit or causes other particularly serious consequence through its commission.

(4) The offender shall be liable to a term of imprisonment of five to fifteen years if he commits the offence referred to in paragraph 1 under a crisis situation.

Section 394

(1) Any person who, even though by negligence, fails to carry out an order under such circumstances where he could obstruct or substantially

aggravate the fulfilment of an important task to be performed in the line of duty shall be liable to a term of imprisonment of up to one year.

(2) The offender shall be liable to a term of imprisonment of between six months and five years if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death through its commission,

b) and endangers combat readiness of the unit or causes other particularly serious consequence through its commission, or

c) in the capacity of a member of armed forces dislocated out of the territory of the Slovak Republic.

(3) The offender shall be liable to a term of imprisonment of three to ten years if he commits the offence referred to in paragraph 1 under a crisis situation.

Section 395 **Resisting or Obstructing a Soldier on Duty**

(1) Any person who offers resistance to a soldier who is fulfilling specially assigned military duties, or who forces him to breach such duty, shall be liable to a term of imprisonment of up to three years.

(2) The offender shall be liable to a term of imprisonment of two to seven years if he commits the offence referred to in paragraph 1

a) and causes grievous bodily harm or other particularly serious consequence through its commission,

b) using a weapon,

c) with a group of other soldiers, or

d) in the capacity of a member of armed forces dislocated out of the territory of the Slovak Republic.

(3) The offender shall be liable to a term of imprisonment of five to fifteen years if he commits the offence referred to in paragraph 1,

a) and causes death through its commission, or

b) under a crisis situation.

Affront among Soldiers

Section 396

(1) Any soldier who grossly insults another soldier shall be liable to a term of imprisonment of up to one year, unless it constitutes the offence carrying a more severe punishment.

(2) The offender shall be liable to a term of imprisonment of between six months and five years if he commits the offence referred to in paragraph 1 under a crisis situation.

Section 397

(1) Any person who, by using violence or the threat of imminent violence, insults

a) his superior officer or any higher-ranking officer, or

b) his subordinate or any lower-ranking officer, shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of between six months and five years if he commits the offence referred to in paragraph 1,

a) and causes bodily harm through its commission,

b) while he or the person being insulted perform their duty,

c) against a member of military guard or military police,

d) in the capacity of a member of armed forces dislocated out of the territory of the Slovak Republic, or

e) using a weapon or with at least two more persons.

(3) The offender shall be liable to a term of imprisonment of three to ten years if he commits the offence referred to in paragraph 1,

a) and causes death through its commission, or

b) under a crisis situation.

Section 398

(1) Any person who, by using violence or the threat of imminent violence, insults a soldier of the same rank shall be liable to a term of imprisonment of up to one year.

(2) The offender shall be liable to a term of imprisonment of between six months and five years if he commits the offence referred to in paragraph 1,

a) and causes bodily harm through its commission,

b) while he or the person being insulted perform their duty,

c) against a member of military guard or military police,

d) in the capacity of a member of armed forces dislocated out of the territory of the Slovak Republic, or

e) using a weapon or with at least two more persons.

(3) The offender shall be liable to a term of imprisonment of three to ten years if he commits the offence referred to in paragraph 1,

a) and causes death through its commission, or

b) under a crisis situation.

Section 399 Violence against a Superior

(1) Any person who uses violence, the threat of imminent violence, or the threat of other serious harm against his superior officer

a) with the intention to prejudice the execution of military duties by the latter, or

b) in connection with the execution of military duties by the latter,

shall be liable to a term of imprisonment of one to five years.

(2) The offender shall be liable to a term of imprisonment of three to ten years if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm through its commission,

b) using a weapon,

c) with at least two more persons, or

d) in the capacity of a member of armed forces dislocated out of the territory of the Slovak Republic.

(3) The offender shall be liable to a term of imprisonment of ten to twenty years if he commits the offence referred to in paragraph 1,

a) and causes death through its commission, or

b) under a crisis situation.

Section 400

Violation of Rights and Protected Interests of Soldiers

(1) Any soldier who forces another soldier to perform undue personal services for him or who restricts the latter in his rights, or who wilfully obstructs the execution of military service by the latter, shall be liable to a term of imprisonment of up to one year.

(2) The offender shall be liable to a term of imprisonment of up to two years if he commits the offence referred to in paragraph 1 against his subordinate or any lower-ranking officer.

(3) The offender shall be liable to a term of imprisonment of between six months and three years if he commits the offence referred to in paragraphs 1 or 2

a) using violence, the threat of violence, or the threat of other serious harm,

b) with at least two more persons, or

c) in the capacity of a member of armed forces dislocated out of the territory of the Slovak Republic.

(4) The offender shall be liable to a term of imprisonment of two to ten years if he commits the offence referred to in paragraphs 1 or 2,

a) and causes grievous bodily harm or death through its commission,

b) acting in a more serious manner, or

c) under a crisis situation.

Title Two

Criminal Offences against the Obligation to Perform Military Service

Evading a Military Assignment or Military Service Section 401

(1) Any person who, with the intention of avoiding the fulfilment of a military assignment, inflicts self-injury, pretends illness, falsifies an official instrument, abuses an addictive substance or uses other artifice, shall be liable to a term of imprisonment of up to one year.

(2) The offender shall be liable to a term of imprisonment of up to two years if he commits the offence referred to in paragraph 1 in the capacity of a member of armed forces dislocated out of the territory of the Slovak Republic.

(3) The offender shall be liable to a term of imprisonment of five to fifteen years if he commits the offence referred to in paragraph 1 under a crisis situation.

Section 402

(1) Any person who, with the intention of avoiding military service or discharge of duties arising therefrom, inflicts self-injury, pretends illness, falsifies an official instrument, abuses an addictive substance or uses other artifice, or who refuses to perform military service or discharge of duties arising therefrom, shall be liable to a term of imprisonment of between six months and five years.

(2) The offender shall be liable to a term of imprisonment of two to eight years if he commits the offence referred to in paragraph 1 in the capacity of a member of armed forces dislocated out of the territory of the Slovak Republic.

(3) The offender shall be liable to a term of imprisonment of five to fifteen years if he commits the offence referred to in paragraph 1 under a crisis situation.

Section 403

Any person who, while on duty, causes himself to be in whole or in part unfit for fulfilling his duties by the ingestion of alcohol or other addictive substances, in spite of having been sanctioned for the similar act at least twice during the past twelve months, shall be liable to a term of imprisonment of up to one year.

Section 404

Any person who under a crisis situation causes himself, even though by negligence, to be unfit for performing the duty by the ingestion of alcohol or other addictive substance shall be liable to a term of imprisonment of one to five years.

Desertion Section 405

(1) Any person who leaves his unit without permission with the objective of long-term avoidance of military service, or who is absent from his unit without permission for more than thirty days, shall be liable to a term of imprisonment of between six months and five years.

(2) The offender shall be liable to a term of imprisonment of two to eight years if he commits the offence referred to in paragraph 1

a) using a weapon, or

b) in the capacity of a member of armed forces dislocated out of the territory of the Slovak Republic.

(3) The offender shall be liable to a term of imprisonment of five to fifteen years if he commits the offence referred to in paragraph 1 under a crisis situation.

Section 406

(1) Any person who leaves his unit without permission for more than 48 hours, or does so repeatedly, shall be liable to a term of imprisonment of up to one year.

(2) The offender shall be liable to a term of imprisonment of up to two years if he commits the offence referred to in paragraph 1 in the capacity of a member of armed forces dislocated out of the territory of the Slovak Republic.

3) Any person who leaves his unit without permission for more than 6 days shall be liable to a term of imprisonment of between six months and three years.

(4) The offender shall be liable to a term of imprisonment of two to ten years if he leaves his unit without permission for more than twenty-four hours under a crisis situation.

(5) Any person who leaves his unit without permission and crosses over to the enemy shall be liable to a term of imprisonment of five to twelve years.

Title Three
Criminal Offences against Sentry and Supervisory Service

Section 407
Breach of Sentry Duty

(1) Any person performing sentry duty or other similar duty who breaches, even though by negligence, the rules or regulations governing the performance of such duty, or special orders issued on the basis thereof, shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1

a) while performing sentry duty or other similar duty which is of particular state or military significance,

b) by a particularly gross breach of his duty,

c) under a crisis situation, or

d) in the capacity of a member of armed forces dislocated out of the territory of the Slovak Republic.

(3) The same sentence as referred to in paragraph 2 shall be imposed on any person who, through the commission of the offence referred to in paragraph 1, causes a harmful consequence which the sentry or other similar duty was intended to avert.

(4) The offender shall be liable to a term of imprisonment of ten to fifteen years if he intentionally commits the offence referred to in paragraph 1 while performing sentry duty or other similar duty which is of particular state or military significance under a crisis situation, and caused a harmful consequence which the sentry or other similar duty was intended to avert.

Section 408
Breach of Supervisory Duty

(1) Any person performing supervisory or other similar duty who, even though by negligence, grossly breaches the rules or regulations governing the performance of such duty shall be liable to a term of imprisonment of up to one year.

(2) The same sentence as referred to in paragraph 1 shall be imposed on any person performing supervisory or other similar duty who, because of unsatisfactory fulfilment of his obligations, makes it possible for one soldier

to request personal services from, to restrict the rights of, or to wilfully obstruct the performance of duty by another soldier within the relevant jurisdiction.

(3) The offender shall be liable to a term of imprisonment of up to two years if, through the commission of the offence referred to in paragraph 1, he causes a particularly serious consequence which he had the obligation to prevent, or if he commits the offence referred to in paragraph 1 in the capacity of a member of armed forces dislocated out of the territory of the Slovak Republic.

(4) The offender shall be liable to a term of imprisonment of one to six years if he commits the offence referred to in paragraphs 1 or 2 under a crisis situation.

Section 409 Breach of Air Defence Duties

(1) Any person who, even though by negligence, breaches the rules or regulations governing the radio responder service, service in rapid reaction units or service in other installations designed to safeguard air space safety, shall be liable to a term of imprisonment of one to five years.

(2) The offender shall be liable to a term of imprisonment of three to ten years if he causes a particularly serious consequence through the commission of the offence referred to in paragraph 1.

(3) The offender shall be liable to a term of imprisonment of eight to fifteen years if he commits the offence referred to in paragraph 1 under a crisis situation.

Title Four Criminal Offences Endangering Combat Readiness

Section 410 Corrupting Morals of Troops

(1) Any person who incites soldiers against military service or against a superior officer, or who otherwise systematically undermines discipline, shall be liable to a term of imprisonment of between six months and six years.

(2) The offender shall be liable to a term of imprisonment of five to fifteen years if he commits the offence referred to in paragraph 1 under a crisis situation.

Section 411 Breach of Service Duties

(1) Any person who, even though by negligence, causes harm to an armed force unit or armed corps by failing to fulfil the assigned duties or by breaching such duties, if such failure or breach results in substantially impairing the function of weaponry, equipment, or other things or funds, shall be liable to a term of imprisonment of up to one year.

(2) Any person who, without authorisation, uses a tangible thing of small value referred to in paragraph 1 or funds of small value for other than the designated purpose, or who gives consent to such use, or who abuses or makes it possible to abuse the subordinates for other than service purposes, shall be liable to a term of imprisonment of up to three years.

(3) The offender shall be liable to a term of imprisonment of two to eight years if he

a) obtains substantial benefit for himself or another through the commission of the offence referred to in paragraph 2, or

b) causes decrease of combat readiness, substantial damage or other particularly serious consequence through the wilful commission of the offence referred to in paragraphs 1 or 2.

(4) The offender shall be liable to a term of imprisonment of five to fifteen years if he wilfully commits the offence referred to in paragraphs 1 or 2 under a crisis situation.

Section 412 Cowardice before Enemy

Any person who, because of cowardice or dejection, surrenders as a prisoner of war in a combat situation shall be liable to a term of imprisonment of eight to fifteen years.

Section 413 Failure to Fulfil Combat Assignment

(1) Any person who leaves his unit without permission in a combat situation shall be liable to a term of imprisonment of three to twelve years.

(2) Any person who avoids the obligation to fulfil a combat assignment, or who refuses to use a weapon in a combat situation, shall be liable to a term of imprisonment of ten to fifteen years.

Section 414
Desertion of Weapons and Other Means of War

(1) Any person who drops, abandons or renders unusable a weapon or other means of war in a combat situation shall be liable to a term of imprisonment of two to eight years.

(2) The offender shall be liable to a term of imprisonment of five to fifteen years if he causes a particularly serious consequence through the commission of the offence referred to in paragraph 1.

Section 415
Rendering Weapons to the Enemy

A commander who, without being forced to do so by the combat situation, surrenders military forces or abandons fortified positions, military equipment or other means of combat to the enemy, even though by negligence, shall be liable to a term of imprisonment of three to twelve years.

Title Five
Common Provision

Repealed.

CHAPTER TWELVE
CRIMINAL OFFENCES AGAINST PEACE, AGAINST HUMANITY,
CRIMINAL OFFENCES OF TERRORISM, EXTREMISM AND WAR
CRIMES

Title One
Criminal Offences against Peace and Humanity, Criminal Offences of
Terrorism and Extremism

Section 417
Endangering Peace

(1) Any person who endangers peaceful coexistence among nations by any kind of warmongering, propagating war or otherwise supporting war propaganda shall be liable to a term of imprisonment of one to ten years.

(2) The offender shall be liable to a term of imprisonment of ten to twenty-five years or to life imprisonment if he commits the offence referred to in paragraph 1

a) in association with a foreign power or foreign agent,

b) as a member of a dangerous grouping, or

c) under a crisis situation.

Section 418 Genocide

(1) Any person who, with the intention to destroy, in whole or in part, any national, ethnic, racial or religious group,

a) causes grievous bodily harm or death to a member of such group,

b) imposes a measure intended to prevent births within the group,

c) forcibly transfers children of the group to another group, or

d) deliberately inflicts on the group conditions of life calculated to bring about its physical destruction in whole or in part,

shall be liable to a term of imprisonment of fifteen to twenty years.

(2) The offender shall be liable to a term of imprisonment of twenty to twenty-five years or to life imprisonment if he commits the offence referred to in paragraph in the wartime or during an armed conflict.

(3) The offender shall be liable to life imprisonment if, through the commission of the offence referred to in paragraph 1, he causes death to several persons.

Section 419 Terrorism and some forms of participation on terrorism

(1)Who

a) with an intent to seriously intimidate inhabitants, seriously destabilize or defeat constitutional, political, economical or social establishment of the state or a structure of an international organisation, or to coerce a government of the state or an international organisation to act or to omit to act, threats by commitment or commit an offence endangering the life, health of people, their personal freedom or a property, or illegally produces, gets, owns, possesses, transports, delivers or in another way uses explosives, nuclear, biological or chemical weapons, or performs not permitted research and development of such weapons or weapons prohibited by law or by an international treaty,

b) with the intent to cause death or serious bodily harm or considerable damage on property or environment possesses radioactive material, or has or creates nuclear explosive machine or a machine diffusing radioactive material or emanating radiance, which may due to its radiological features cause death, serious bodily harm or serious damage on property or environment, or

c) with the intent to cause death or serious bodily harm or considerable damage on property or environment, or to coerce natural person or legal person, international organisation or state to act or omit to act, uses radioactive material or nuclear explosive system or a system diffusing radioactive material or emanating radiance which may cause death due to its radiological features, or serious bodily harm or considerable damage on property or on environment, or uses or damages a nuclear reactor including reactors installed on floats, vehicles, planes or cosmic objects, used as an energy source for driving such floats, vehicles, planes or cosmic objects, or for other purposes, or premises or traffic system used for production, storage, processing or transport of radioactive material in a manner which releases or may release radioactive material, or threats by such act in circumstances indicating credibility of the threat, or

d) asks for radioactive material, nuclear explosive system or system diffusing radioactive material or emanating radiance which may due to its radiological features cause death, serious bodily harm or considerable damage on property or environment, or a nuclear reactor including reactors installed on floats, vehicles, planes or cosmic objects used as an energy source for driving such floats, vehicles, planes or cosmic objects or for other purposes, or premises or traffic system used for production, storage, processing or transport of radioactive material, with threats in circumstances indicating credibility of the threats or use of power,

shall be imposed an imprisonment sentence for 20 to 25 years or life imprisonment.

(2) The same sanction as in the paragraph 1 shall be imposed to the person who

a) collects or provides financial or other means, personally or through another person, even partially, for the purposes of their use or allowing their use for commitment of the act listed in paragraph 1,

b) provides knowledge of methods or techniques for production and using of explosives, nuclear, biological or chemical weapons or other similarly maleficent or dangerous stuffs for the purposes of commitment of the act listed in paragraph 1 or attempts for such act or participates on such act,

c) publicly incites to commit the act listed in paragraph 1 in a manner defending or exonerate commitment of such act in case of its commitment, and herewith causes a danger of its commitment or participates in it,

d) asks another person to commit or participate in committing the act listed in paragraph 1 or attempts to ask or participate in the attempt, or

e) plans to commit the act listed in the paragraph 1 with the intent to commit or enable its commitment.

(3) The life imprisonment shall be imposed on the offender if s/he commits the act listed in the paragraph 1

a) and gives rise a serious bodily harm to more persons or death of more persons,

b) on a protected person,

c) towards armed forces or armed corps,

d) as a member of a dangerous grouping, or

e) during a crisis situation.

(4) The life imprisonment shall be imposed to the offender if s/he commits the act listed in the paragraph 2 letter a) and herewith facilitates using the financial or other sources collected or provided by him, for committing the attempt of the offence listed in the paragraph 1, or s/he personally uses them in such manner, or commits the act listed in the paragraph 2 letter d) and herewith allows commitment or attempt of the act listed in the paragraph 1.

Section 420 Torture and Other Inhuman or Cruel Treatment

(1) Any person who, in connection with the exercise of his powers of the public authority official, from his motion or with his explicit or implicit approval, causes another person physical or mental suffering by ill-treatment, torture or other inhuman and cruel treatment shall be liable to a term of imprisonment of two to six years.

(2) The offender shall be liable to a term of imprisonment of three to ten years if he commits the offence referred to in paragraph 1

a) with at least two more persons,

- b) acting in a more serious manner,
- c) against a protected person,
- d) by reason of specific motivation, or
- e) against a person whose personal liberty was restricted in compliance with the law.

(3) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1,

- a) and causes grievous bodily harm or death through its commission,
- b) with the intention to prevent or obstruct the exercise of fundamental rights and freedoms by another, or
- c) as a member of a dangerous grouping.

(4) The offender shall be liable to a term of imprisonment of twelve to twenty years if he commits the offence referred to in paragraph 1,

- a) and causes grievous bodily harm or death to several persons through its commission, or
- b) under a crisis situation.

Supporting and Promoting Groups Aimed at Suppression of Fundamental Rights and Freedoms

Section 421

(1) Any person who supports or makes propaganda for a group of persons or movement which, using violence, the threat of violence or the threat of other serious harm, demonstrably aims at suppressing citizens' fundamental rights and freedoms shall be liable to a term of imprisonment of one to five years.

(2) The offender shall be liable to a term of imprisonment of four to eight years if he commits the offence referred to in paragraph 1

- a) in public,
- b) in the capacity of a member of an extremist group,
- c) acting in a more serious manner, or

d) under a crisis situation.

Section 422

(1) Any person who publicly demonstrates, in particular by using flags, badges, uniforms or slogans, his fellow feelings towards a group of persons or movements which, using violence, the threat of violence or the threat of other serious harm, demonstrably aim at suppressing citizens' fundamental rights and freedoms shall be liable to a term of imprisonment of between six months and three years.

(2) The same sentence as referred to in paragraph 1 shall be imposed on any person who, in the commission of the offence referred to in paragraph 1, uses altered flags, badges, uniforms or slogans carrying the appearance of being genuine.

Section 422a Manufacturing of Extremist Materials

(1) Any person who manufactures extremist materials or participates in such manufacturing shall be liable to a term of imprisonment of three to six years.

(2) The offender shall be liable to a term of imprisonment of four to eight years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner,

b) in public, or

c) in the capacity of a member of an extremist group.

Section 422b Dissemination of Extremist Materials

(1) Any person who reproduces, transports, procures, makes accessible, puts into distribution, imports, exports, offers, sells, sends or disseminates extremist materials shall be liable to a term of imprisonment of one to five years.

(2) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1

a) acting in a more serious manner,

b) in public, or

c) in the capacity of a member of an extremist group.

Section 422c
Possession of Extremist Materials

Any person who has extremist materials in his possession shall be liable to a term of imprisonment of up to two years.

Section 423
Defamation of Nation, Race and Belief

(1) Any person who publicly defames

a) any nation, its language, any race or ethnic group, or

b) any individual or a group of persons because of their affiliation to any race, nation, nationality, complexion, ethnic group, family origin, religion, or because they have no religion,

shall be liable to a term of imprisonment of one to three years.

(2) The offender shall be liable to a term of imprisonment of two to five years if he commits the offence referred to in paragraph 1

a) with at least two more persons,

b) in association with a foreign power or foreign agent,

c) in the capacity of a public official,

d) under a crisis situation, or

e) by reason of specific motivation.

Section 424 Incitement of National, Racial and Ethnic Hatred

(1) Any person who publicly threatens an individual or a group of persons because of their affiliation to any race, nation, nationality, complexion, ethnic group, family origin or their religion, if they constitute a pretext for threatening on the aforementioned grounds, by committing a felony, restricting their rights and freedoms, or who made such restriction, or who incites to the restriction of rights and freedoms of any nation, nationality, race or ethnic group, shall be liable to a term of imprisonment of up to three years.

(2) The same sentence as referred to in paragraph 1 shall be imposed on any person who associates or assembles with others with a view to committing the offence referred to in paragraph 1.

(3) The offender shall be liable to a term of imprisonment of two to six years if he commits the offence referred to in paragraphs 1 or 2

a) in association with a foreign power or foreign agent,

b) in public,

c) by reason of specific motivation,

d) in the capacity of a public official,

e) in the capacity of a member of an extremist group, or

f) under a crisis situation.

Section 424a

Incitement, Defamation and Threatening to Persons because of their Affiliation to Race, Nation, Nationality, Complexion, Ethnic Group or Family Origin

(1) Any person who publicly

a) incites to violence or hatred against a group of persons or an individual because of their affiliation to any race, nation, nationality, complexion, ethnic group, family origin or their religion, if they constitute a pretext for the incitement on the aforementioned grounds, or

b) defames such group or individual, or threatens them by exonerating an offence that is deemed to be genocide, a crime against humanity or a war crime under Articles 6, 7 and 8 of the Rome Statute of the International Criminal Court, or an offence that is deemed to be a crime against peace, a war crime or a crime against humanity under Article 6 of the Statute of the International Military Tribunal annexed to the Agreement of 8 August 1945 for the Prosecution and Punishment of the Major War Criminals of the European Axis, if such crime was committed against such group of persons or individual, or if a perpetrator of or abettor to such crime was convicted by a final and conclusive judgement rendered by an international court, unless it was made null and void in lawful proceedings, publicly denies or grossly derogates such offence, if it has been committed against such person or individual, shall be liable to a term of imprisonment of one to three years.

(2) The offender shall be liable to a term of imprisonment of two to five years if he commits the offence referred to in paragraph 1 by reason of specific motivation.

Section 425 Brutality

(1) Any person who commits an act against civilian population that is deemed to be a crime against humanity under Article 7 of the Rome Statute of the International Criminal Court shall be liable to a term of imprisonment of twelve to twenty-five or to life imprisonment.

(2) The offender shall be liable to life imprisonment if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death to several persons or other particularly serious consequence through its commission, or

b) in retaliation

Title Two War Crimes

Section 426 Using Prohibited Weapons and Unlawful Warfare

(1) Any person who in the wartime orders

a) the use of prohibited means of warfare or of similar material or uses such means or material, or who

b) that prohibited practices be used in the combat or uses such combat practices himself, shall be liable to a term of imprisonment of four to ten years.

(2) The same sentence as referred to in paragraph 1 shall be imposed on a commander who, in contravention of the provisions of international law concerning the means and methods of warfare, wilfully

a) causes harm to civilian population or to the lives, limbs or property of civilians by a military operation, or wages an attack against them as a reprisal, wages an attack against an undefended site or demilitarised zone,

b) destroys or damages a water dam, nuclear power plant or a similar installation containing dangerous forces, or

c) destroys or damages a facility designated for humanitarian purposes or an internationally recognised cultural or natural monument.

(3) The offender shall be liable to a term of imprisonment of ten to twenty years if, through the commission of the offence referred to in paragraphs 1 or 2, he causes

a) grievous bodily harm or death to several persons,

b) large-scale damage, or

c) other particularly serious consequence.

Section 427 Plundering in the War Area

(1) Any person who, in the war operations area, in the battlefield, in the areas affected by military operations, or on the occupied territory,

a) takes possession of a thing belonging to another, misusing that person's distress,

b) wilfully destroys property belonging to another or takes possession of such property under the pretext of war necessity, or

c) robs the killed or wounded persons,

shall be liable to a term of imprisonment of four to ten years.

(2) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1 a) using violence, the threat of violence or other serious harm, or

b) against persons or things enjoying special protection under the law or international legal instruments.

(3) The same sentence as referred to in paragraph 2 shall be imposed on the offender if, through the commission of the offence referred to in paragraph 1, he causes

a) grievous bodily harm, or

c) substantial damage.

(4) The offender shall be liable to a term of imprisonment of ten to twenty years if, through the commission of the offence referred to in paragraph 1, he causes

a) death, or

b) large-scale damage.

Section 428

Misuse of Internationally Recognised and National Symbols

(1) Any person who, in the wartime, misuses the designation of the Red Cross or other identification symbols or colours recognised by international law for designating medical facilities, vehicles, persons providing medical assistance or securing evacuation, shall be liable to a term of imprisonment of three to ten years.

(2) The same sentence as referred to in paragraph 1 shall be imposed on any person who, in the wartime, misuses the emblem of the United Nations, national flag, national emblem military emblem, insignias or uniform of a neutral or other state which is not a party to the conflict.

(3) The offender shall be liable to a term of imprisonment of twelve to twenty-five years or to life imprisonment if, through the commission of the offence referred to in paragraphs 1 or 2 that constitutes a means of military deception, he causes

a) death to several persons,

b) large-scale damage, or

c) other particularly serious consequence.

Section 429

Harming a Parliamentarian

(1) Any person who insults a parliamentarian or a member of his team, or who unlawfully detains such person, shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of four to eight years if, through the commission of the offence referred to in paragraph 1, he causes grievous bodily harm to a parliamentarian or to a member of his team.

(3) The offender shall be liable to a term of imprisonment of seven to twelve years if, through the commission of the offence referred to in paragraph 1, he causes death to a parliamentarian or to a member of his team.

Section 430 Abuse of Requisition Rights

(1) Any person who, in the wartime,

a) misuses the powers vested in him in connection with military requisitions,

b) carries out the requisitions without having lawful authority to do so, or

c) refuses to issue a certificate about the type and quantity of things surrendered in a military requisition operation,

shall be liable to a term of imprisonment of one to five years.

(2) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1,

a) and causes large-scale damage through its commission,

b) using violence or the threat of violence or the threat of other serious harm, or

c) against persons or things enjoying special protection under the law or international legal instruments.

(3) The offender shall be liable to a term of imprisonment of five to ten years if, through the commission of the offence referred to in paragraph 1, he causes large-scale damage.

Section 431 War Atrocities

(1) Any person who, in the wartime, violates the rules of international law by cruel treatment of helpless civilian population, refugees, wounded persons, members of the armed forces who have laid down their arms or prisoners of war shall be liable to a term of imprisonment of four to ten years.

(2) The same sentence as referred to in paragraph 1 shall be imposed on any person who, in the wartime, violates the rules of international law by

a) failing to take effective measures for the protection of persons who are in need of such help, in particular children, women and wounded or elderly persons, or who prevents such measures from being taken, or

b) impedes or blocks civil protection organisations of the enemy, of a neutral or other state in the fulfilment of their humanitarian tasks.

(3) The offender shall be liable to a term of imprisonment of ten to twenty-five years or to life imprisonment if, through the commission of the offence referred to in paragraphs 1 or 2, he causes grievous bodily harm or death or other particularly serious consequence.

Section 432 Persecution of Civilians

(1) Any person who, in the wartime, performs inhuman acts on the grounds of national, racial or ethnic discrimination, or who terrorises helpless civilian population by violence or the threat of its use, shall be liable to a term of imprisonment of four to ten years.

(2) The same sentence as referred to in paragraph 1 shall be imposed on any person, who, at the time referred to in paragraph 1,

a) destroys or seriously damages the source of elementary necessities of life of the civilian population in an occupied territory or buffer zone, or who wilfully refuses to provide the population with the assistance they need for their survival,

b) delays, without justifiable reasons, the return of the civilian population or prisoners of war,

c) resettles, without justifiable reasons, civilian population of the occupied territory,

d) settles the occupied territory with the population of his own country, or

e) wilfully denies the civilian population or prisoners of war the right to have their criminal offences decided by impartial courts.

(3) The offender shall be liable to a term of imprisonment of ten to twenty-five years or to life imprisonment if, through the commission of the offence referred to in paragraphs 1 or 2, he causes grievous bodily harm or death or other particularly serious consequence.

Section 433 Lawlessness in the Wartime

(1) Any person who commits an act that is deemed to be a war crime under Article 8 of the Rome Statute of the International Criminal Court shall be liable to a term of imprisonment of twelve to twenty-five or to life imprisonment.

(2) The offender shall be liable to life imprisonment if he commits the offence referred to in paragraph 1,

a) and causes grievous bodily harm or death to several persons or other particularly serious consequence through its commission, or

b) in retaliation.

Section 434 Endangering Cultural Values

Any person who, in the wartime,

a) substantially destroys or appropriates objects of cultural value protected under an international agreement,

b) plunders, commits the acts of vandalism or otherwise misuses such object,

c) wages an attack against such object in contravention of an international agreement, or

d) uses an object of cultural value enjoying advanced protection under an international agreement or its immediate vicinity for combat support in contravention of an international agreement,

shall be liable to a term of imprisonment of three to ten years.

Title Three Common Provisions

Section 435

(1) For the purposes of the application of the provisions of this Chapter a war shall mean

a) an international armed conflict, or

b) a lengthy armed conflict on the territory of the State between the Government authorities and organised armed groups or between such groups fighting against each other, except for internal disorders and

tensions, such as rebellions, isolated and sporadic acts of violence or acts of similar nature.

(2) A military commander shall also mean a person effectively acting as a military commander.

(3) A military commander shall be held criminally responsible for crimes referred to in this Chapter even if they were committed by armed forces under his effective command and control, as a result of his failure to exercise control properly over such forces, if he,

a) owing to the circumstances at the time, should have known that forces were committing or about to commit such crimes, and

b) failed to take all necessary and reasonable measures within his power to prevent or repress their commission, or to submit the matter to the competent authorities for investigation and prosecution.

(4) A superior, except for a superior referred to in paragraph 3, shall be held criminally responsible for crimes referred to in this Chapter even if they were committed by subordinates under his effective authority and control, as a result of his failure to exercise control properly over such subordinates, if

a) he either knew, or consciously disregarded information which clearly indicated, that the subordinates were committing or about to commit such crimes,

b) the crimes concerned activities that were within the effective responsibility and control of the superior, and

c) failed to take all necessary and reasonable measures within his power to prevent or repress their commission, or to submit the matter to the competent authorities for investigation and prosecution.

PART THREE COMMON, INTERIM AND FINAL PROVISIONS

Section 436 Common Provision

This Act transposes the legal acts of the European Communities and the European Union as listed in the annex.

Interim Provisions § 437

(1) If it is necessary to determine whether a criminal offence under the Act No. 140/1961 Coll., the Criminal Code, as amended, accomplishes the elements of a minor offence, felony or particularly serious felony under this Act, the provisions of Sections 10 and 11 of this Act shall be applied depending upon the degree of fault and custodial penalty referred to in the Act No. 140/1961 Coll., the Criminal Code, as amended.

(2) When examining the fulfilment of conditions for rendering a decision on conditional release from serving an imprisonment sentence, or a decision on conditional waiver of the execution of the remaining portion of the sentence, in respect of the penalties imposed after entering into force of this Act for a criminal offence under the Act No. 140/1961 Coll., the Criminal Code, as amended, this Act shall be applied.

(3) When examining the fulfilment of conditions for rendering a decision on conditional release from serving an imprisonment sentence, or a decision on conditional waiver of the execution of the remaining portion of the sentence, in respect of the penalties imposed before entering into force of this Act the previous regulations shall be applied. A person sentenced to life imprisonment pursuant to the Act No. 140/1961 Coll., the Criminal Code, as amended, may be conditionally released after he has served three quarters of the sentence imposed on him, a person sentenced to life imprisonment pursuant to this provision may not be conditionally released.

(4) If criminal prosecution or imprisonment sentence execution becomes statute-barred before the effectivity of this Act pursuant to previous regulations, the provisions on the limitation of criminal prosecution or imprisonment sentence execution pursuant to this Act shall not be applied. The limitation period of criminal prosecution and the limitation period of imprisonment sentence execution under this Act shall not be considered interrupted even if, until this Act came into force, a less severe criminal offence than the one subject to limitation was committed.

(5) The provision of Section 47 par. 2 shall also apply to a person who was sentenced for any of criminal offences referred to in Section 43 par.1 of the Act No. 140/1961 Coll., the Criminal Code, as amended, if the person committed another criminal offence referred to in Section 47 par. 2, after the entering into force of this Act.

(6) A court may decide pursuant to Section 34 par. 8 subpar. d) even if the offender was sentenced for any of the criminal offences referred to in Section 43 par. 1 of the Act No. 140/1961 Coll., the Criminal Code, as amended, which was committed before the entering into force of this Act.

Section 438

(1) Where this Act refers to correctional facility of minimum, medium or maximum security, it shall mean the first, second or third correctional group under previous regulations.

(2) Where generally binding legal regulations issued in the period until the entering into force of this Act use the concept of a particularly serious criminal offence, it shall mean a felony under this Act.

Section 438a

Interim provisions to the modifications as in force since 20 December 2008

The provision of Section 269a shall apply only if the offender of the vendor were affected by previous decision later than 19 December 2008.

Section 438b

Interim provisions to the modifications as in force since 1 January 2009

If the punishability of an act is assumed and the penalty is imposed under the law in force before 1 January 2009, the pecuniary penalty after 1 January 2009 shall be imposed in the way that its amount in Slovak crowns shall be counted to Euros in the conversion rate and shall be round according to the round principles and other principles of transition to Euro established in generally binding legal norm.

Section 438c

Interim provisions to the modifications as in force since 1 September 2010

Confiscation of a sum of money according to Section 83a and confiscation of a property according to Section 83b may be imposed on a legal person only if the criminal offence listed in Section 83a paragraph 1 or in Section 83b paragraph 1, was committed even in an attempt stage or if the participation on the criminal offence occurred after 31 August 2010.

Final Provisions

Section 439

The following texts are hereby repealed:

1. Act No. 165/1950 Coll. on Safeguarding Peace,
2. Act No. 140/1961 Coll. - the Criminal Code, as amended by Act No. 53/1963 Coll., Act No. 184/1964 Coll., Act No. 56/1965 Coll., Act No. 81/1966 Coll., Act No. 148/1969 Coll., Act No. 45/1973 Coll., Act No.

43/1980 Coll., statutory measure No. 10/1989 Coll., Act No. 159/1989 Coll., Act No. 47/1990 Coll., Act No. 84/1990 Coll., Act No. 175/1990 Coll., Act No. 457/1990 Coll., Act No. 545/1990 Coll., Act No. 490/1991 Coll., Act No. 557/1991 Coll., the finding of the Constitutional Court of the Czech and Slovak Federal Republic published in Title 93/1992 Coll., Act of the National Council of the Slovak Republic No. 177/1993 Coll., Act of the National Council of the Slovak Republic No. 248/1994 Coll., Act of the National Council of the Slovak Republic No. 102/1995 Coll., Act of the National Council of the Slovak Republic No. 233/1995 Coll., Act of the National Council of the Slovak Republic No. 100/1996 Coll., Act No. 13/1998 Coll., Act No. 129/1998 Coll., Act No. 10/1999 Coll., Act No. 183/1999 Coll., Act No. 399/2000 Coll., Act No. 253/2001 Coll., Act No. 485/2001 Coll., Act No. 237/2002 Coll., Act No. 421/2002 Coll., Act No. 448/2002 Coll., Act No. 553/2002 Coll., Act No. 457/2003 Coll., Act No. 403/2004 Coll., Act No. 576/2004 Coll., Act No. 613/2004 Coll., Act No. 757/2004 Coll., Act No. 227/2005 Coll., 3. Act No. 120/1962 Coll. on the Fight against Alcoholism, 4. Act No. 448/2002 Coll. on Protective Supervision whereby the Act No. 140/1961 Coll., the Criminal Code, as amended by Act No. 550/2003 Coll., has been modified and amended.

Section 440

This Act shall enter into force as from 1 January 2006.

Act No. 650/2005 Coll. became effective on 1 January 2006.

Act No. 692/2006 Coll. became effective on 1 January 2007.

Act No. 218/2007 Coll. became effective on 1 June 2007.

Act No. 491/2008 Coll. became effective on 15 December 2008.

Act No. 497/2008 Coll. became effective on 20 December 2008.

Act No. 498/2008 Coll. became effective on 1 January 2009.

Act No. 59/2009 Coll. became effective on 1 April 2009.

Act No. 257/2009 Coll. became effective on 1 September 2009.

Act No. 317/2009 Coll. became effective on 1 November 2009.

Act No. 492/2009 Coll. became effective on 1 December 2009.

Act No. 576/2009 Coll. became effective on 1 January 2010.

Act No. 224/2010 Coll. became effective on 1 September 2010.

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