GENERAL PART

CHAPTER I:

CRIMINAL CODE AND ITS PRINCIPLES OF APPLICATION

Article 1. Criminal legislation of the Republic of Moldova

1) The present Code is the only Criminal Law of the Republic of Moldova.

2) The Criminal Code is the legislative document, which includes norms of law that establish general and special principles and provisions of the Criminal Law, determines crimes and the punishments applied to the defendants.

3) The present Code shall be applied in compliance with the provisions of the Constitution of the Republic of Moldova and with the international acts to which the Republic of Moldova is a party. Wherever contradictions appear with the international acts regarding the fundamental human rights, priority shall be given and directly applied the international regulations.

Article 2. Purpose of the Criminal legislation

1) The Criminal Law defends against crimes person, person’s rights and freedoms, property, environment, constitutional order, the sovereignty, independence and territorial integrity of the Republic of Moldova, peace and security of humankind, as well as the rule of law in general.

2) The Criminal Law has also as a purpose the prevention of new crimes.

Article 3. The principle of legality

1) No person can be declared guilty for having committed a crime, or be sentenced a criminal punishment, unless on the basis of a court sentence and in strict compliance with the Criminal Law.

2) Unfavorable extensive interpretation and application of the Criminal Law by analogy is forbidden.

Article 4. The principle of humanism

1) The entire legal regulation has as a priority goal to protect the person as the supreme value of the society and her rights and freedoms.

2) The Criminal Law does not have as a purpose to cause physical suffering or to violate human dignity. No person can be submitted to torture or to cruel, inhuman, degrading treatments or punishments.

Article 5. The principle of democracy

1) Persons who committed crimes are equal in front of the law and are equally liable to criminal responsibility irrespective of their gender, race, color, language, religion, political views or any other opinions, national or social origin, national minority, wealth, birth or any other situation.

2) The defense of a person’s rights and interests cannot take place with the violation of the rights and interests of other person or group of persons.

Article 6. The principle of the personal character of the criminal responsibility
1) A person may be liable to criminal responsibility or criminal sentencing only for the acts committed with guilt.

2) Only the person that intentionally or by imprudence committed an offence provided by the Criminal Law is liable to criminal responsibility and to criminal sentencing.

**Article 7. The principle of individualization of the criminal responsibility and sentencing**

1) In the application of the criminal law are taken into consideration the character and the degree of prejudice of the committed offence, the personality of offender and of the sentenced and the alleviating and aggravating circumstances of the case.

2) No person can be submitted to double criminal investigation or criminal punishment for the same crime.

**Article 8. The action of the criminal legislation in time**

The criminal nature of the act and the punishment for it are established by the criminal law in force at the moment the act was committed.

**Article 9. The moment of committing of the act**

The moment of committing of the act is considered the moment when the prejudicial action (inaction) took place, irrespective of the moment when the consequences appear.

**Article 10. The retroactive effect of the criminal law**

1) The criminal law that eliminates the criminal character of the act, diminishes the punishment or in other way improves the situation of the person who committed the crime, has retroactive character, that means it extends on individuals who committed the respective crimes prior to the enforcement of this law, including individuals who are serving or who have served the punishment (execute?), but have criminal antecedents.

2) A criminal law that aggravates the penalty or the situation of a person guilty for committing a crime, has no retroactive effect.

**Article 11. The application of the criminal law in space**

1) All persons who have committed crimes within the territory of the Republic of Moldova will be held criminally liable under the present Code.

2) The citizens of the Republic of Moldova and the persons without citizenship with permanent domicile on the territory of the Republic of Moldova, who committed crimes outside the territory of the country are liable to criminal responsibility under the present Code.

3) Foreign citizens and persons without citizenship that do not have permanent domicile on the territory of the Republic of Moldova, who committed crimes outside the territory of the Republic of Moldova, are liable to criminal responsibility under the present Code and are subject to the criminal responsibility on the territory of the Republic of Moldova when the crimes are committed against the interests of the Republic of Moldova, the peace and security of mankind or it is provided by the International Treaties to which Moldova is a party, as well as for crimes against the peace and security of mankind and war crimes and they were not held criminally liable or convicted by that foreign state, will be held criminally liable within the territory of the Republic of Moldova.

4) The criminal law does not apply to crimes committed by the diplomatic representatives of foreign countries or to other persons who, in compliance with International Treaties, are not subjected to the criminal jurisdiction of the Republic of Moldova.

5) Crimes committed within the borders of territorial waters or within the air space of the Republic of Moldova are considered to be committed within the territory of the Republic of Moldova. The person who committed a crime on a ship, registered in a harbor of the Republic of Moldova, which is located in the water or air space of outside the borders of the Republic of Moldova, can be held criminally liable under the present Code, provided that the International Treaties to which Moldova is a party do not contain different provisions.
6) Persons who committed crimes aboard a military ship or a military aircraft, irrespective of their location, are also held criminally responsible under the present Code.

7) Punishments and criminal records for crimes committed outside the territory of the Republic of Moldova are taken into consideration, according to the present Code, in the individualization of punishment for a new crime committed by the same parson within the territory of Moldova, as well as for resolving issues regarding the amnesty in conditions of reciprocity according to the judicial decision.

**Article 12. The place of commission of the act**

1) The place of commission of an act is considered to be the place where the person acted or, in case of failure to act, where that person should or could have acted, or the place where the consequences of that act appeared or, in the person’s vision, were supposed to appear.

2) The complicity is accomplished both in the place where the act was committed and in the place where the participant acted or, in case of failure to act, was supposed to act, or in the place where, in the person’s vision, the act should have been committed. If the participant took part in committing the crime abroad, acting within the territory of the Republic of Moldova, the Criminal Law of Moldova action extends to such a participation, even if this act is not punished in the place it was committed.

**Article 13. Extradition**

1) Citizens of the Republic of Moldova and persons who had been granted political asylum by the Republic of Moldova, in case of committing the crime abroad, cannot be extradited from the country and are subjected to criminal liability under the present Code.

2) Foreign citizens and persons without citizenship, who have committed crimes outside the borders of the Republic of Moldova, but who are on the territory of the republic, can be extradited only on the basis of an international treaty to which the Republic of Moldova is a party or in terms of reciprocity according to a judicial decision.

**Chapter II**

**THE CRIME**

**Article 14. The definition of crime**

1) Crime is a prejudicial act (action or failure to act), provided by the Criminal Law committed with guilt and subjected to criminal liability.

2) The act or the failure to act, even though it formally contains the features of a deed provided by the present Code, but which due to its lack of importance doesn't have a prejudicial degree of a crime, is not to be considered a crime.

**Article 15. The prejudicial degree of a crime**

The prejudicial degree of a crime is determined in dependence of the signs that characterize the elements of a crime: the object, the objective side, the subject and the subjective side.

**Article 16. Classification of crimes**

1) Depending on the prejudicial degree and nature of the acts provided by the present Code, crimes are classified into the following categories: minor, less serious, serious, extremely serious and exceptionally serious.

2) Acts that can be sentenced with an up to two-year jail term inclusively are considered minor offenses.

3) Acts that can be sentenced with an up to five-year jail term inclusively are considered less serious crimes.

4) Acts that can be sentenced with an up to fifteen-year jail term inclusively are considered serious crimes.

5) Acts that were deliberately committed and for which the criminal law provides over fifteen years of jail term, are considered extremely serious crimes.
6) Acts that were deliberately committed and for which the criminal law provides life detention, are considered heinous.

**Article 17. Crime committed deliberately**

A crime is considered to be deliberately committed if the person who committed realized the harmful nature of his action or failure to act, foresaw the harmful consequences, wished for them to appear or reasonably admitted the possibility for these consequences to follow.

**Article 18. Crime committed by negligence**

A crime is considered to be committed by negligence, if the person who have committed it realized the harmful nature of his action or failure to act, foresaw its harmful consequences, but superficially thought that they would be avoided, or did not realize the harmful nature of his action or failure to act, did not foresee the possibility for harmful consequences to derive from it, although the person had to and could foresee them.

**Article 19. Responsibility for crimes committed with two forms of guilt**

In the case when, as a result of a crime deliberately committed, more serious consequences derive, intentions that were not included in the criminal's intention and on which grounds law decides to increase the punishment, criminal responsibility for these consequences can be applied only in the case when, if the person had foreseen the harmful consequences but superficially thought that they could be avoided or the person did not foresee the possibility for such consequences to derive from it, although he had to and could foresee them. Consequently, the crime is considered to be deliberate.

**Article 20. Crime without guilt (fortuitous case)**

An act is considered to be committed without guilt if the person who committed it did not realize the harmful nature of his act or failure to act, did not foresee its harmful consequences and, according to the circumstances of the case, he did not have to or could not foresee them.

**Article 21. The subject of the crime**

1) Physical responsible persons who, in the moment when a serious crime, extremely serious crime or a heinous crime was committed were at least 14 years old, or, in the moment when a minor offense or a less serious crime was committed were at least 16 years old, as well as legal entities, can be held criminally liable.

2) A legal entity which carries on entrepreneurial activity is held criminally responsible for an act provided by the Criminal Law under the existence of one of following conditions:

   a) the legal entity is guilty for the failure to accomplish or for the inappropriate accomplishment of the direct provision of the law that establishes obligations or interdictions in the carrying out of an activity;

   b) the legal entity is guilty for carrying out of an activity that does not correspond to its foundation documents or to the declared aims;

   c) the act that creates the real danger or cause considerable damages to a person, to the society or to the State, was committed for the benefit of that legal entity or was accepted, sanctioned, approved, used by the organ or the person who has the function to manage the legal entity.

3) The legal entity, which carries on entrepreneurial activities, is criminally liable for the crimes provided by the articles 218-218, 221, 223-246, 248-251, 257, 259-261.

4) Criminal responsibility of a legal entity, which carries on entrepreneurial activities, does not exclude the responsibility of the physical person for the committed crime.

**Article 22. Responsibility**

Responsibility is the psychological state of a person who has the ability to realize the harmful nature of the act, as well as the ability to express his will and control his actions.

**Article 23. Release of responsibility**
1) A person who, at the time of the commission of a harmful act, was in a condition such that he was not responsible for his actions, meaning that he was not aware of his own actions or failures to act, or was not in control of his actions as a result of chronic mental illness, a temporary mental disorder, or another pathological condition, is not subject to criminal charges. At the discretion of the court, compulsory measures of a medical nature as set forth in this Code may be imposed on such persons.

2) A person who has committed a crime in a condition such that he was responsible for his actions but who has become mentally ill before the court pronounced the verdict, which renders him unable to be aware of his own actions or in control of them, is not subject to punishment. At the discretion of the court, compulsory measures of a medical nature may be imposed on such an individual, and he may be subject to punishment upon his recovery.

Article 24. Responsibility for a crime committed in a state of intoxication

A person who committed a crime in a state of intoxication with alcohol or other substances is not to be excused from criminal responsibility. The causes of intoxication, its degree and influence on the committing of the crime are to be considered at the application of the punishment.

Article 25. Stages of the criminal activity

1) A crime is to be considered consumed, if the committed act has all the constituting features of a crime component.

2) A non consumed act is to be considered the preparation of a crime and the crime attempt.

3) Responsibility for a the preparation of a crime and for the crime attempt, as well as for the consumed crime, is set forth in compliance with the special part of the present Code, with reference to articles 26 and 27 and according to the provisions of article 81.

Article 26. Preparation of a crime

1) The previous agreement to commit a crime, purchasing, manufacture or adapting of devices or instruments, or deliberate creation, in other way, of other conditions for its commission, if, due to causes independent of the perpetrator's will, it did not produce any effect, are to be considered preparation of a crime.

2) Only persons who committed the preparation of a less serious crime, a serious crime, an extremely dangerous crime or a heinous crime are subject to criminal responsibility and criminal punishment.

Article 27. Crime attempt

A deliberate act or failure to act, directly meant to the commission of a crime, if, due to causes independent of the perpetrator's will, it did not produce any effect, is to be considered a crime attempt.

Article 28. Unique crime

The unique crime represents an act (failure to act) or a system of acts (failures to act) which are qualified according to the disposition of a sole norm of the criminal law.

Article 29. Permanent crime

1) An act which is characterized by the uninterrupted commission, for a non determined period of time of a criminal activity, is to be considered a permanent crime. In the case of permanent crime, there is no plurality of crimes.

2) A permanent crime is to be considered consumed since the moment of the ceasing of the criminal activity or due to the occurrence of certain events that prevent this activity.

Article 30. Extended crime

1) An act committed with a single intention, characterized by two or more criminal identical activities, committed with a single purpose, constituting a crime as a whole, is to be considered an extended crime.

2) The extended crime is consumed since the moment of the commission of the last criminal act or failure to act.
Article 31. Repeated crime

1) Repeated crime is considered to be the commission of two or more identical or homogenous acts, provided by the same criminal norm, on condition that the person has not been convicted for any of them and the prescription term has not expired.

2) The commission of two or more crimes, provided by different articles of the present Code, is to be considered as a repeated crime in the cases provided by the special part of the present Code.

Article 32. Plurality of crimes

1) The commission of more crimes by a person, is to be considered plurality of crimes, provided that for at least two of them there are no procedure impediments for the initiation of a new criminal suit and the person hasn’t been convicted for any of them.

2) Plurality of crimes constitutes, according to the case, the pluralism of crimes or relapse.

Article 33. Plurality of crimes

1) The plurality of crimes is considered to be the commission by a person of two or more crimes, provided by different Articles or Paragraphs of a sole article of the special part of the present code, without him being convicted for any of them and the prescription term hasn’t expire.

2) The plurality of crimes may be ideal and real.

3) There is an ideal pluralism when the person, through one act (failure to act), commits two or more crimes, provided by different Articles or different Paragraphs of a sole Article of the present Code.

4) There is a real plurality of crimes when the person, through several independent acts (failures to act), commits two or more crimes, provided by different Articles or different Paragraphs of a sole Article of the present Code.

Article 34. Relapse

1) Relapse constitutes the deliberate commission of two or more crimes by a person who has criminal antecedents for a deliberately committed crime.

2) Relapse is considered dangerous:

   a) if the person previously convicted twice to jail for a deliberate crime, deliberately committed a new crime;

   b) if the person previously convicted for a deliberate serious or extremely dangerous crime, deliberately committed a new serious or extremely dangerous crime;

3) Relapse is considered extremely dangerous:

   a) if the person previously convicted three or several times to jail for deliberate crimes committed a new deliberate crime;

   b) if the person previously convicted for heinous crime committed a new extremely dangerous or heinous crime.

4) At the establishment of the relapse state in the cases provided by Paragraphs (1)-(3) of the present Article, also the definitive conviction verdicts pronounced abroad and recognized by the Republic of Moldova court.

5) At the establishment of the relapse state, criminal antecedents are not taken into account for:

   a) crimes committed in the juvenile period;

   b) crimes committed by negligence;
c) acts that are no longer provided as crimes by the present Code;

d) the criminal acts were repealed and the persons were rehabilitated, according to articles 111 and 112 of the present Code.

Chapter III

CAUSES THAT ANNUL THE CRIMINAL CHARACTER OF AN ACT

Article 35. Causes that annul the criminal character of an act

Causes that annul the criminal character of an act are considered to be:

a) legal defense;

b) holding of the offender;

c) state of extreme necessity;

d) physical or psychic constraint;

e) well-grounded risk.

Article 36. Legal defense

1) The act provided by the Criminal Law, is not to be considered as a crime if it was committed in legal defense.

2) The person who commits an act in order to avoid a direct, immediate, material and real assault against himself, another person or against a public interest, that seriously endangers the person or the rights of the person under attack, or the public interest, is in state of legal defense.

3) The person who commits acts provided by Paragraphs (2) of the present Article for the purpose to prevent the penetration in a dwelling space or other room, through violence that endangers person’s life or health or through threats to apply such violence, is in state of legal defense.

Article 37. Holding of the offender

An act provided by the Criminal Law, which was committed for the purpose of holding a person who committed a crime and handing him over to the law enforcement authorities.

Article 38. State of extreme necessity

1) An act, provided by the Criminal Law, is not to be considered as a crime if it was committed in a state of extreme necessity.

2) The person who commits an act for the purpose to save his or somebody else’s life, physical integrity and health or to save a public interest from an imminent danger that cannot be eliminated in other ways is in a state of extreme necessity.

3) The person who, at the moment when he committed the act was aware by the fact that he was causing obviously more serious damages than the ones that could have been produced if the danger had not been eliminated, is not in a state of extreme necessity.

Article 39. Physical and psychic constraint

1) The act provided by the Criminal Law that caused damages to the legally protected interests as a result of physical or psychic constraint, if as a result of this constraint the person was not able to conduct his actions, is not to be considered a crime.
2) The matter regarding criminal responsibility for causing damages to the interests protected by the Criminal Law, through psychic or physical constraint, after which the person maintains the ability to conduct his acts, is to be solved in compliance with the provisions of Article 38 of the present Code.

**Article 41. Well-grounded risk**

1) An act provided by the Criminal Law, that caused damages to the legally protected interests in the case of well-grounded risk, is not to be considered a crime if it was committed for socially useful purposes.

2) Risk is considered well-grounded, if the aimed socially useful purpose could not be accomplished without a certain risk and the person who foresaw the risk took the necessary measures for the prevention of damages to the legally protected interests.

3) Risk cannot be considered well-grounded, if it was consciously combined with the threat to a person's life or an environmental or social disaster.

**Chapter IV**

**PARTICIPATION**

**Article 41. Participation**

Participation is considered to be the deliberate cooperation of two or more persons to the commission of a deliberate crime.

**Article 42. Participants**

1) Participants are the persons who contribute to the commission of a crime as author, organizer, instigator or accomplice.

2) An author is the person who directly commits an act provided by the Criminal Law, as well as the person who committed the crime through persons who are not subject to criminal responsibility due to their age, irresponsibility or to other causes provided by the present Code.

3) An organizer is the person who organized the commission of a crime or conducted its accomplishment, as well as the person who created an organized criminal group or a criminal organization or conducted their criminal activity.

4) An instigator is the person who determines, through any method, another person to commit a crime.

5) An accomplice is considered to be the person who contributed to the commission of the crime through advice, indications, information supply, offering of means or devices or eliminating the obstacles, as well as the person who previously promised that he will favor the criminal, will hide the means or devices used to commit the crime, its traces or the goods obtained illegally or the person who previously promised to obtain or to sell such goods.

6) Participants need to possess the signs of the subject of crime.

**Article 43. Forms of participation**

Depending on the degree of coordination of the participants' actions, forms of participation are as follows:

- a) simple participation;
- b) complex participation;
- c) organized criminal group;
- d) criminal organization (association).

**Article 44. Simple participation**
The crime is considered to be committed in simple participation, if two or more persons took part in it jointly, as co-authors, each of them accomplishing the objective side of the crime.

**Article 45. Complex participation**

1) A crime is considered to be committed in complex participation, if to its accomplishment participants had contributed as authors, organizers, instigators or accomplices.

2) The objective side of the complex participation crime may be accomplished:
   
   a) by a single author;
   
   b) by two or more authors.

**Article 46. The organized criminal group**

An organized criminal group is a stable reunion of persons who had organized in order to commit one or more crimes.

**Article 47. Criminal organization (association)**

1) The criminal organization (association) is a reunion of organized criminal groups into a stable community, whose activity is based on the division among the members of the organization and its structures of the administration functions, assurance and execution of the criminal intentions of this organization for the purpose of influencing or control in other ways, the economic or other activity of legal and physical entities or to control with a view to obtain profit and achieve economic, financial or political interests.

2) The crime is considered to be committed by a criminal organization if it was committed by its member for the interest of organization, or by a person who is not a member of the criminal organization, but who was charged by the respective organization.

3) The person who created the criminal organization or who conducts it, is to be considered the organizer or the leader of the organization.

4) The organizer and leader of the criminal organization are liable for all the crimes committed by the criminal organization.

5) A member of the criminal organization shall be held responsible only for crimes in which he participated in preparation or commission.

6) A member of criminal organization may be exempted from criminal responsibility when he voluntarily declared about the existence of the criminal organization and helped to discover the crimes committed by this organization or contributed to the exposure of leaders of the criminal organization or of its members.

**Article 48. Abuse of authorship**

Abuse of authorship is considered to be the commission by the author of criminal acts that were not included into the intention of the other participants. The other participants are not subject to criminal responsibility for abuse of authorship.

**Article 49. Favors**

The previously not promised favors of the criminal, as well as the hiding of the means and devices by which the crime had been committed, of its traces or of the criminally obtained goods, is liable to criminal responsibility only in cases provided by Article 323 of the present Code.

Chapter V

CRIMINAL RESPONSIBILITY

**Article 50. Criminal responsibility**
Public conviction in the name of the law of criminal acts and of individuals who have committed them, conviction that may be preceded by the measures of constraint provided by the law, is to be considered criminal responsibility.

**Article 51. The ground for criminal responsibility**

1) A harmful committed act constitutes the real ground for criminal responsibility, while the component of crime provided by criminal law constitutes the legal ground for criminal responsibility.

2) Only the person guilty of committing a crime provided by the Criminal Law can be held criminally responsible.

**Article 52. Crime component**

1) Crime component is considered to be a sum of objective and subjective features, set forth by the Criminal Law, that qualify a harmful act as a concrete crime.

2) Crime component is the legal basis for the qualification of the crime in compliance with a concrete article of the present Code.

**CHAPTER VI**

**RELEASE FROM CRIMINAL RESPONSIBILITY.**

**Article 53. Release from criminal responsibility**

A person who committed an act that contains the features of a crime component can be released from criminal responsibility by a court of law in following cases:

- a) juvenile offenders;
- b) liability to administrative responsibility;
- c) willing waver to commit the crime;
- d) active repent of the perpetrator;
- e) change of the situation;
- f) conditional release;
- g) prescription of the criminal responsibility.

**Article 54. Criminal responsibility release of juveniles**

1) A person under eighteen years of age, who have committed for the first time a minor offense or a less serious crime, can be released from criminal responsibility if it was ascertained that his correction is possible without being subject to criminal responsibility.

2) On individuals released from criminal responsibility in compliance with Paragraph (1) of the present Article, measures of constraint with an educational character provided by Article 104 of the present Code can be applied.

**Article 55. Release from criminal responsibility with placement under administrative responsibility**

1) A person who, for the first time has committed a minor offense or a less serious crime can be released from criminal responsibility, being subject to administrative responsibility, if it was ascertained that its correction is possible without being subject to criminal responsibility.

2) On individuals released from criminal responsibility in compliance with Paragraph (1) of the present Article, administrative sanctions can be applied as follows:
a) fine in an amount equivalent to up to 150 conventional units;

b) contravention arrest up to 90 days.

**Article 56. Release from criminal responsibility due to willing waver to commit the crime**

1) The willing waver to commit a crime is considered ceasing of the preparation for the commission of a crime or the ceasing of actions (failures to act) directly aimed to the commission of a crime, if the person was aware of the possibility to accomplish the crime.

2) A person cannot be subject to criminal responsibility for a crime if it willingly and definitively waved the accomplishment of this crime.

3) A person who willingly waved the accomplishment of a crime is subject to criminal responsibility only in the case when the committed act contains another completed crime.

4) The organizer and the instigator of a crime are not subject to criminal liability, if these individuals, through a notice in due time to the legal authorities or through other undertaken measures, have prevented the accomplishment of the crime by the author.

The accomplice to a crime is not subject to criminal responsibility, if he took all the measures depending on him to prevent the commission of the crime.

**Article 57. Release from criminal liability due to active repentance of the perpetrator**

1) A person who, for the first time, have committed a minor offense or a less serious crime, can be released from criminal liability if, after having committed this offense, willingly denounced it, actively contributed to its discovery, restituted the value of caused material damages or repaired the damages caused by the offense in any other way.

2) A person who have committed, under the conditions provided by paragraph (1) of the present Article, a crime included in a different category, can be released from criminal liability only in cases provided by the articles of the Special Part of the present Code.

**Article 58. Release from criminal liability due to the change of situation**

A person who, for the first time has committed a minor offence or a less serious crime, can be released from criminal liability, if it was found that, at the time of the case trial, due to the change of situation, the person or the committed crime have lost their harmful character.

**Article 59. Conditioned release from criminal responsibility**

In case of a person charged with committing a minor offence or a less serious crime, who recognizes his guilt and who is not a social danger and whose correction is possible without imposing a criminal punishment, the criminal charges against him can be conditionally suspended, with ulterior release from criminal liability, in conditions provided by the criminal procedure.

**Article 60. Criminal liability prescription**

(1) A person can be released from criminal liability if since the date the crime has been committed, the following terms expired:

a) 2 years from the commission of a minor offence;

b) 5 years from the commission of a less serious crime;

c) 15 years from the commission of a serious crime;

d) 20 years from the commission of an extremely dangerous crime;

e) 25 years from the commission of a heinous crime.
(2) Prescription is calculated from the day when the crime was committed up to the date of final verdict of the court.

(3) In case that a person commits a new crime, prescription is calculated independently for each crime.

(4) Prescription shall be interrupted if until the expiration of the terms provided by Paragraph (1), the person will commit a crime, for which, according to the present Code, a jail punishment longer than 2 years can be applied. Calculation of the prescription in this case begins with the moment of the commission of the new crime.

(5) Prescription shall be suspended, if the person who has committed the crime eludes from criminal investigation or trial. In these cases, prescription is enforced again since the moment when the person was arrested or the moment when he self-denounced. But a person cannot be made criminally liable if since the date of the commission of the crime, more than 25 years have passed and the prescription was not interrupted by the commission of a new crime.

(6) The issue of a prescription application for a person who committed a heinous crime will be solved only by the court of law. If the court considers that the application of the prescription is not possible and the person cannot be released from criminal liability, life detention will be replaced with jail punishment for a 35 years term.

(7) Prescription terms are reduced to a half if at the moment the crime was committed the person was a juvenile.

(8) Prescription cannot be applied to persons who have committed crimes against peace, humanity’s security, war crimes or other crimes provided by the international treaties to which the Republic of Moldova is a party.

Chapter VII

CRIMINAL PUNISHMENT

Article 61. Definition and purpose of the criminal punishment

(1) Criminal punishment is a state compulsion measure and a means of correction and reeducation of the convict applied by the courts, in the name of the law, on individuals who have committed crimes, thus imposing certain restrictions and withdrawal of their rights.

(2) Criminal punishment has as a purpose restoration of social equity, correction of the convict, as well as preventing the convicts and other individuals to commit new crimes. Execution of the punishment must not cause physical suffering or affect the convict’s dignity.

Article 62. Categories of punishments for physical entities

(1) The following punishments can be applied on physical entities who have committed crimes:

   a) fine;
   b) depriving of the right to maintain certain positions or to exercise a certain activity;
   c) withdrawal of the military rank, of a special title, of a qualification (classification) degree and of state honors;
   d) non-paid work in the benefit of the community;
   e) arrest;
   f) incarceration into a disciplinary military unit (for soldiers who serve in term);
   g) jail;
   h) life detention;

(2) Non-paid work for the benefit of the community, arrest, incarceration into a disciplinary military unit, jail for a certain term, life detention can be applied only as main punishments.
(3) Fine, depriving from the right to maintain certain positions or to exercise certain activities can be applied both as main punishments and as complementary punishments.

(4) Withdrawal of a military rank, of a special title, of a qualification (classification) degree and of state honors can be applied only as complementary punishments.

Article 63. Categories of punishments for legal entities which carry on entrepreneurial activity

(1) On legal entities, the following punishments can be applied:

   a) fine;

   b) interdiction of the right to exercise a certain activity;

   c) liquidation.

(2) Fine is to be applied as a main punishment.

(3) Depriving of the right to exercise a certain activity, liquidation of the legal entity which carries on entrepreneurial activities can be applied both as main punishments and complementary punishments.

Article 64. Fine

(1) Fine is a pecuniary sanction that will be applied by the court in cases and within the limits provided by the present Code.

(2) The fine is established in conventional units. The conventional unit of fine equals to 20 lei.

(3) The amount of the fine for physical entities will be established depending on the character and the seriousness of the committed crime, taking into account the financial situation of the guilty person, between 150 and 1.000 conventional units, and for crimes committed for profit purposes, up to 5.000 conventional units, taking as a basis the amount of conventional unit at the moment when the crime was committed.

(4) In cases provided by paragraph (2) of Article 21 of the present Code, the amount of the fine for legal entities will be established depending on the character and the seriousness of the committed crime, the amount of caused damage, taking into account the economic and financial situation of the legal entity, between 500 and 10.000 conventional units. In case of ill-will elusion of a legal entity from paying the established fine, the court can replace the non-paid amount of the fine by suing the real estate for damages.

(5) In case of ill-will elusion of the convict from paying the established amount of the fine as a main or as complementary punishment, the court can replace the non-paid amount by arrest or by jail within the terms provided by Articles 68 or 70 of the present Code. The amount of the fine will be replaced with arrest or in jail being equivalent with 50 conventional units.

(6) Fine as a complementary punishment can be applied only in cases where it is provided as such for the corresponding crime.

(7) In case of impossibility of the convict to pay the amount of fine established as a main or as complementary punishment, the court can replace the non-paid amount of fine with a non-paid work in the benefit of the community, according to the provisions of articles 67 of the present Code, 60 hours of work in the benefit of community being equivalent with 50 conventional units.

Article 65. Depriving of the right to maintain certain positions or to exercise a certain activity

(1) Depriving of the right to maintain certain positions or to exercise certain activities consists of the interdiction to maintain certain position or to exercise certain activity having the same character as the one used by the convict to commit the crime.

(2) Depriving of the right to maintain certain positions or to exercise a certain activity can be established by the court for a term of between 1 year and 5 years.
This punishment can be applied as a complementary punishment also in cases when it is not provided as a punishment for corresponding crimes by the Special Part of the present Code, if, due to the character of the committed crime by the convict, during the carrying out of his function or during the exercise of a certain activity, the court considers that it is impossible for the convict to uphold his right to maintain certain positions or to exercise certain activities.

On the application of this punishment of depriving of the right to maintain certain positions and to exercise certain activities as a complementary punishment in addition to a fine or to non-paid work for the benefit of the community, its term is calculated from the moment of the verdict of the court remains final, and on its application as a complementary punishment in addition to arrest, incarceration in a disciplinary military unit or jail, its term will be calculated from the moment of the main punishment execution.

Article 66. Withdrawal of a military rank, a special title, a qualification (classification) degree and of state honors

In case of conviction for a serious crime, extremely dangerous crime or a heinous crime, the court, taking into account the circumstances of crime’s perpetration, can withdraw a military rank, a special title, a qualification (classification) degree and state honors.

Article 67. Non-paid work for the benefit of the community

(1) Non-paid work for the benefit of the community means getting the convict involved in a non-paid, socially useful activity, outside his basic work or studies program, determined by the local public administration bodies.

(2) Non-paid work for the benefit of the community will be established between 60 hours and 240 hours and no more than 4 hours per day will be executed.

(3) In case of ill-will elusion of the convict from non-paid work for the benefit of the community, this punishment will be replaced by arrest, 8 hours of non-paid work for the benefit of the community being equivalent to one day of arrest or by fine, 60 hours of non-paid work for the benefit of the community being equivalent to 50 conventional units.

(4) Non-paid work for the benefit of the community cannot be established for individuals recognized as first and second degree disabled persons, pregnant women, women who have children under the age of 8 years, for juveniles who are under the age of 16 years and to persons who reached the retirement age.

(5) Non-paid work for the benefit of the community will be carried out within a maximum period of 18 months, period which will be calculated from the date when the final sentence was pronounced.

Article 68. Arrest

(1) Arrest means depriving a person of liberty for a term between 3 and 6 months.

(2) On the application of arrest instead non-paid work for the benefit of the community, in case of ill-will elusion of the convict from this activity, the term of arrest can be less than three months.

(3) Arrest cannot be applied on individuals under the age of 16 years, on pregnant women and on women having children under the age of 8 years.

(4) Soldiers will expiate their term in the arrest room of their military unit.

Article 69. Incarceration into a disciplinary military unit

For soldiers serving in term who committed crimes, incarceration into a disciplinary military unit can be applied in cases provided by the law, for a term up to 2 years, as well as in cases when the court, taking into consideration the circumstances of the case and the convict’s personality, considers appropriate to apply the incarceration for the same term in a disciplinary military unit instead of up to 2 year term in jail. Incarceration in a disciplinary military unit instead of jail cannot be applied on persons who previously served a jail punishment.

Article 70. Detention
(1) Detention means depriving an individual guilty for having committed a crime of liberty through isolation imposed on him from his normal life environment and through his placement, on the court’s sentence basis, for a certain term into a penitentiary institution.

(2) Detention can be established for a term between 6 months and 25 years.

(3) In establishing the punishment for a person who, at the moment when he committed the crime was under 18 years old, the detention term cannot be over 15 years.

(4) In establishing the final punishment in case of a plurality of crimes, the detention punishment cannot be higher than 30 years, and in case of a plurality of sentences, it cannot be higher than 35 years.

(5) In case when changing, as pardon, the punishment of life detention with a softer punishment, the detention for 35 years shall be applied.

Article 71. Detention for life

(1) Detention for life means depriving the convict of liberty for the rest of his life.

(2) Detention for life can be established only for heinous crimes.

(3) Detention for life cannot be applied on women and on minors.

Article 72. Categories of penitentiary institutions where the execution of the detention is disposed

(1) Detention punishment can be executed in the following penitentiary institutions:
   a) open type penitentiaries;
   b) half-closed penitentiaries;
   c) closed type penitentiaries.

(2) In open penitentiaries, individuals convicted for crimes committed by negligence will execute their punishment.

(3) In half-closed penitentiaries, individuals convicted for minor offenses, for less serious and serious crimes deliberately committed will execute their punishment.

(4) In closed penitentiaries, individuals convicted for extremely serious and heinous crimes, as well as individuals who committed crimes that constitute relapse, will execute their punishment.

(5) Persons who are under 18 years old, will execute their punishment in penitentiaries for juveniles.

(6) Change of the type of the penitentiary institution established by the sentence will be made by the court, in compliance with the current legislation.

Article 73. Depriving of a legal entity which carries on entrepreneurial activity of the right to exercise certain activities

(1) Depriving of a legal entity which carries on entrepreneurial activities of the right to exercise certain activities means the setting of interdiction to execute certain transactions, to issue obligations or other valuable bonds, to get subventions, facilities or other advantages from the state or to exercise other activities.

(2) Depriving of the right to exercise a certain activity can be limited to a certain territory or to a certain period of the year and shall be set for an up to 5 years term or for an unlimited term.

Article 74. Liquidation of a legal entity which carries on entrepreneurial activity
(1) Liquidation of legal entity which carries on entrepreneurial activity means the interruption of the legal entity’s activity with consequences deriving from this, provided by civil legislation.

(2) Liquidation of legal entity which carries on entrepreneurial activity is established in cases in which the court finds that the seriousness of the committed crime makes impossible the maintaining of such a legal entity or the prolonging of its activity.

CHAPTER VIII

INDIVIDUALIZATION OF PUNISHMENTS

Article 75. General criteria of punishment individualization

(1) On a person who is admitted as guilty for the commission of a crime, an equitable punishment is applied, within the limits established in the Special Part and in a strict compliance with the provisions of the General Part of the present Code. In establishing the category and the term of the punishment, the court will take into consideration the seriousness of the committed crime, its motive, the personality of the convict, the circumstances of the case that alleviate or aggravate liability, the impact of the applied punishment on the correction and reeducation of the convict, as well as the living conditions of his family.

(2) There will be applied a harsher punishment among the alternatives provided for the commission of a crime only in the case when an easier punishment among the mentioned ones does not assure the accomplishment of the punishment purpose.

Article 76. Alleviating circumstances

(1) In establishing the punishment, the following will be considered as alleviating circumstances:

a) commission for the first time of a minor offense or of a less serious crime;

b) commission of a crime by a juvenile;

c) commission of a crime by a pregnant woman;

d) presence of juveniles in the convict’s family;

e) commission of a crime as a consequence of difficult personal or family circumstances, or as a consequence of compassion;

f) prevention of harmful consequences of the committed crime, voluntary repair of the caused damages or the compensation of damages by the guilty person;

g) sincere repent and self – denouncement;

h) active contribution to the crime identification or to the arrest of the perpetrators;

i) illegal or amoral actions of the victim, if they provoked the crime;

j) other circumstances.

Article 77. Aggravating circumstances

(1) In establishing the punishment, the following will be considered as aggravating circumstances:

a) commission of the crime by a person who previously committed another crime, relapse of crimes, commission of a crime as a profession;(under the cover of a profession)

b) causing serious consequences by the commission of the crime;
c) commission of a crime under any form of participation;

d) commission of a crime out of social, national, racial or religious enmity or hatred;

e) commission of a crime against a person under the age of 14 years, a pregnant woman or against a person in helpless state;

f) commission of crime against a person related to the exercise by the last of the social or professional duties;

g) instigation of juveniles to commit a crime or their luring into the commission of a crime;

h) commission of a crime through extremely cruel acts or through insulting the victim;

i) commission of a crime through means presenting serious public danger;

j) commission of a crime by a person who is intoxicated. The court has the right, depending on the nature of the crime, not to consider this as an aggravating circumstance;

k) commission of a crime by using weapons, ammunition, explosive substances or imitating devices, especially prepared technical devices, noxious and radioactive substances, medical substances and other chemical-pharmaceutical substances, as well as by applying physical and psychic constraint;

l) commission of a crime because of material interests or with other degrading purposes;

m) commission of a crime by taking advantage of state of emergency, natural calamities, as well as of mass disorders;

n) commission of a crime by trust abuse.

(2) The circumstances provided by the Paragraph (1) cannot be concomitantly considered as aggravating circumstances when provided by the corresponding articles of the Special Part as elements of that crime component.

Article 78. Effects of alleviating and aggravating circumstances

(1) In case the court ascertains alleviating circumstances at the perpetration of crime, the main punishment shall be reduced or changed as follows:

a) when the special minimum of punishment with detention is under 10 years, the punishment can be lowered till this minimum;

b) when a fine is to be applied, it can be lowered till its bottom limit;

c) when the law provides the life detention for the committed crime, it is replaced with detention for a term between 15 and 25 years.

(2) In case the court ascertains alleviating circumstances at the perpetration of the crime, the complementary punishment provided by the law for the crime can be excluded.

(3) In case of existence of aggravating circumstances, a punishment up to the maximum provided by the article of the Special Part of the Criminal Code can be applied.

(4) In case of existence of both aggravating and alleviating circumstances, lowering of the punishment to the minimum or its raising to the maximum provided by the Special Part of the present Code is not compulsory.

(5) Where exceptional alleviating circumstances exist, the punishment can be applied according to the provisions of Article 79 of the present Code.
Article 79. Application of a softer punishment than the one provided by the law

(1) The court, taking into consideration the exceptional circumstances of the case, related to the purpose and reasons of the act, the role played by the convict, his behavior during and after the commission of crime and other circumstances that essentially diminish the seriousness of the crime and of its consequences, as well as the active contribution of a participant in a group committed crime to the identification of this crime, can decide the application of a punishment under the admitted limit provided by the law for the respective crime, or to include it to another category of softer punishments or can decide non-appliance of the compulsory complementary punishment.

(2) Both an alleviating circumstance and a sum of circumstances can be considered as exceptional.

(3) In case of conviction of the persons for extremely serious crimes committed, the court can apply a punishment under the limit provided by the law, but not less than at least two thirds of the minimum limit of punishment provided by the present Code for the committed crime.

(4) The court can apply a punishment under the minimum limit provided by the law, but no less than half of the minimum limit of punishment provided by the present Code for the committed crime, in case of persons who at the date of the commission of the crime were under the age of 18 years, for perpetration of serious, extremely serious or heinous crimes or of relapse of crimes.

(5) Provisions of Paragraph (1) do not apply to adults who committed heinous crimes or in case of relapse of crimes.

Article 80. Application of punishment in case of plea bargaining

In case of plea bargaining of a person under charge when the court accepts this agreement, the punishment for charged crime shall be reduced with one third out of the maximum punishment provided for this crime.

Article 81. Application of a punishment for an unconcluded crime

(1) Within the application of the punishment for an unconcluded crime, circumstances under which the crime was not accomplished are taken into account.

(2) The punishment for the preparation of a crime that is not a relapse cannot be more than a half of the maximum term of the highest punishment provided by the corresponding article of the Criminal Law for the concluded crime.

(3) The punishment for a crime attempt that is not a relapse cannot be more than three fourths of the maximum term of the highest punishment provided by the corresponding article of the Criminal Law for the concluded crime.

(4) Life detention will not be applied for the preparation of a crime and for a crime attempt.

Article 82. Application of the punishment for crime relapse.

(1) Within the application of the punishment for relapse, serious relapse and extremely serious relapse, the number, the character, the seriousness and the consequences of the committed crimes are taken into account, the circumstances due to which the previous punishment was insufficient for the defendant correction, as well as the character, the seriousness and the consequences of the newly committed crime.

(2) The term of the punishment for relapse cannot be less than a half, for serious relapse not less than two thirds, and for extremely serious relapse – of at least three fourths of the maximum term of the highest punishment provided by the corresponding article of the Criminal Law.

Article 83. Application of the punishment for participation.

The organizer of, the instigator and the accomplice to a deliberately committed crime provided by the Criminal Law, will be sanctioned with the same punishment provided for the author. At establishing of the punishment, each individual contribution to the commission of the crime will be taken into consideration, as well as provisions of Article 75.

Article 84. Application of the punishment at the pluralism of crimes.

(1) In case a person is found guilty for the commission of two or more crimes, provided by different articles of the Special Part of the present Code, without having been convicted for any of them, the court, pronouncing the sentence
separately for each crime, will establish the final punishment for a pluralism of crimes, through a total or partial summing up of the applied punishments, but no more than 30 years, and, in case the person is found guilty for the commission of two or more minor offenses and/or less serious crimes, the final punishment can be also established through the inclusion of the easier punishment into the higher one.

(2) Any of the complementary punishments provided by the corresponding articles of the Special Part of the present Code that establish the liability for the crimes for which the person was found guilty, can be added to the main punishment applied at the pluralism of crimes. The final complementary punishment established through total or partial summing up of the applied complementary punishments cannot be higher than the maximum term or amount provided by the General Part of the present Code for this category of punishments.

(3) If for crimes included in the pluralism, main punishments of different categories are established, for which Article 87 of the present Code does not provide the summing up, and the court does not find grounds for absorbing one punishment by another, they will be executed separately.

(4) In compliance with the provisions of the Paragraphs (1) to (3), the punishment will be established also in the case when after the sentence was pronounced, the convict will be found guilty also of another crime, committed before the pronouncement of the sentence on the first case. In this case, the term of the punishment will include also the term of the punishment completely or partially executed, according to the first sentence.

(5) In the case of a pluralism of crimes where a life detention sentence was established altogether with one or more jail punishments or other categories of punishments, life detention will be applied as a final sentence.

Article 85. Application of a punishment at the pluralism of sentences.

(1) If after the pronouncing of the sentence, but before the complete execution of the punishment, the defendant committed a new crime, the court will entirely or partially add the non-executed part of the punishment, pronounced by the previous sentence, to the punishment applied by the new sentence. In this case, the final punishment cannot be more than 35 years of jail.

(2) The summing up of the complementary punishments in case of a plurality of sentences will be made according to the rules provided by Paragraph (2) of Article 84 of the present Code.

(3) In the case of a pluralism of sentences, the final punishment will be higher, both than the punishment established for the commission of the new crime, and than the non-executed part of the punishment established by the previous sentence of the court.

(4) In summing up the punishments, if one of the sentences established life imprisonment, the final punishment will be life imprisonment.

Article 86. Application of punishment in case of execution of a foreign state sentence

(1) In case of execution of foreign state sentence, the court shall substitute the liberty depriving sentence pronounced in the foreign state with a sentence provided by its own law for the same deed, without aggravating the penal situation of the convict established by the sentence of the foreign state. If the law of the foreign state provides an easier sentence than the minimum provided by the domestic law, the court shall not be restricted by that minimum and shall apply a sentence corresponding to that pronounced in the foreign state.

(2) Any part of sentence pronounced in the foreign state and any period of temporary detention executed by convict will be entirely deducted through the court’s sentence on acknowledging the sentence of the foreign state.

(3) The court, at execution of the foreign state sentence on appliance of fine or confiscation of a sum of money, shall change that amount into national currency units, applying the exchange parity in force at the moment of the pronouncement of sentence by the national court, without passing beyond the maximum of sanction established by the foreign state for such a deed.

(4) Fines, confiscations resulted from the execution of sentences of foreign states shall revert to the Republic of Moldova, without prejudicing the rights of third states.

Article 87. Order of determining the final punishment term in case of pluralism of various punishments.
(1) In summing up various main punishments in case of pluralism of crimes or of a pluralism of sentences, a day in jail will be equivalent to:

   a) a day of arrest or incarceration into a disciplinary military unit;

   b) 8 hours of non-paid work for the benefit of the community.

(2) Other punishments, summed up with arrest, incarceration into a disciplinary military unit, or with jail will be executed separately.

**Article 88. Calculation of the punishment terms and replacement of preventive arrest.**

(1) Terms for depriving a person of the right to uphold certain positions or to exercise certain activities, terms for arrest, for incarceration within a disciplinary military unit and for jail, will be calculated in months and years, and those for non-paid work for the benefit of community - in hours.

(2) When punishments provided in Paragraph (1) of the present article, except the non-paid work for the benefit of the community are replaced or summed up, as well as when they are replaced, the calculation of such punishments may be also made in days.

(3) The time while a person is in preventive arrest up to the trial of the case will be included in the term of imprisonment, detention in a disciplinary military unit and arrest, one day being equivalent to one day, and for non-paid work for the benefit of community, one day of preventive arrest will be equivalent to 8 hours of non-paid work for the benefit of community.

(4) In the case of extradition of a person in compliance with the law, the duration of preventive arrest and of execution of the jail punishment, established by the sentence of the court for a crime committed abroad, will be included in the punishment term, one day being equivalent to one day.

(5) In establishing the punishment for the convict who is under preventive arrest until the trial of the case, having as main punishment the fine, depriving from the right to uphold a certain position or to exercise certain activity, the court, taking into account the preventive arrest term, will diminish the established punishment or release the convict completely from the execution of the punishment.

(6) The time within which the convict, during the execution of the punishment, is hospitalized, will be included into the term of punishment execution, except for the case when he provoked his illness by himself, a fact that will be certified during the execution of the punishment. The time when the convict is absent from his job will not be included into the term of the execution of punishment with non-paid work for the benefit of community.

**CHAPTER IX**

**RELEASE FROM CRIMINAL PUNISHMENT**

**Article 89. Definition and categories of release from criminal punishment.**

(1) Release from criminal punishment is the partial or total release of a person who committed a crime, from the real execution of the criminal punishment pronounced by the sentence of the court.

(2) Release from criminal punishment can be performed by:

   a) conviction with conditioned suspension of the punishment execution;

   b) release on probation prior to term;

   c) replacement of the non-executed part of the punishment with a lower punishment;

   d) release from criminal punishment of juveniles;

   e) release from criminal punishment due to a change of the situation;
f) release from criminal punishment of seriously ill persons;

g) suspension of the execution of the criminal punishment for pregnant women and of women who have children under 8 years old.

**Article 90. Conditioned suspension of the punishment execution.**

(1) If in establishing a jail punishment for a term no longer than 5 years for intentionally committed crimes and no longer than 7 years for crimes committed by negligence or establishing detention into a disciplinary military unit, the court, taking into account the circumstances of the case and the personality of the defendant, reaches the conclusion that it is not reasonable for the guilty person to execute the established punishment, it can dispose the conditioned suspension of the execution of the punishment applied on the defendant, necessarily indicating within the sentence the reasons of the conditioned conviction and the probation period. In this case, the court disposes for the applied sentence not to be executed if during the probation term, set by the court, the convict will not commit a new crime and, through a good behavior and honest work, will prove trustworthy. The right of checking the behavior of the convicts with conditioned suspension of punishment execution is exercised by the competent bodies, whereas

(2) The probation term will be set by the court within the limits of 1 and 5 years.

(3) In the case of conviction for a crime that caused damages, the court may dispose the conditioned suspension of the punishment only if up to the pronouncing of the sentence the damage was entirely compensated.

(4) For persons who committed serious crimes, extremely serious crimes and heinous crimes, as well as in cases of relapse, conditioned suspension will not be applied.

(5) In case of conviction with conditioned suspension of the punishment, complementary punishments can be applied.

(6) By applying conditioned suspension, the court can compel the convict:

   a) not to change his residence without the consent of the competent body;
   
   b) not to attend certain places;
   
   c) to submit to certain treatments in cases of alcohol or drug addiction, toxicomany or a venereal disease;
   
   d) to offer financial support to victim’s family;
   
   e) to compensate caused damages within a term set by the court;
   
   f) to fulfill other obligations that can contribute to the convict recovery.

(7) During the probation term, the court, at the suggestion of the body that exercises the control on the behavior of the convict during conditioned suspension of the punishment execution, can cancel entirely or partially, the previously established obligations or can add new ones.

(8) If after at least half of the probation term has expired, the convict with a conditioned suspension of the punishment execution had a correct and exemplary behavior, the court, at the recommendation of the body who controls the behavior of the convict released on probation, may issue an order regarding the cancellation of the conviction and of the criminal record.

(9) In the case when, during the probation term, the convict released on probation systematically violates the established obligations or public order, being submitted to administrative liability, the court, at the recommendation of the body who exercises the control on the behavior of the convicts with conditioned suspension of the punishment execution, may issue an order regarding the cancellation of the release on probation of the convict and his sending to jail to execute his punishment, established by the sentence.

(10) In the case when, during the probation term, the convict released on probation from executing his punishment commits a new crime, the court may set his punishment in compliance with the rules provided by Article 85.
In the case when, during the probation term, the convict released on probation from executing his punishment commits a crime by negligence or a deliberate less serious crime, the matter of cancellation or maintaining the release on probation will be solved by the court.

Article 91. Release on probation prior to term.

(1) On persons who execute their punishment in jail, in a disciplinary military unit or under arrest and who entirely compensated the damages caused by the crime for which they were convicted, release on probation can be applied prior to term if the court finds that the convict’s correction is possible without the complete execution of the punishment. At the same time, a person can be released entirely or partially from the complementary punishment.

(2) By applying release on probation prior to term, the court may oblige the convict to strictly fulfill the obligations provided by Paragraph (6) of Article 90 for the rest of punishment that was not executed.

(3) Release on probation prior to term may be applied to a convict by the court exercising jurisdiction on the territory of execution of the punishment, on the basis of the recommendation of the body responsible for the execution of the punishment.

(4) Release on probation prior to term may be applied only after the convict, who has reached the age of 18 at the moment of the commission of the crime, executed in fact:

a) at least half of the punishment term set for the commission of a minor offense or for a less serious crime;

b) at least two thirds of the punishment term set for the commission of a serious crime;

c) at least three fourths of the punishment term set for the commission of extremely serious or heinous crime, as well as of the punishment previously applied on the person released on probation prior to term, if the release on probation before punishment was canceled in compliance with terms provided by Paragraph (8).

(5) A person who was sentenced to life detention, may be released on probation prior to term, if the court finds that the person does no longer need to effectively execute the punishment and served in fact at least 35 years in jail.

(6) Release on probation prior to term may be applied on juveniles only after they served in fact:

a) at least one third of the punishment term set for the commission of a minor offense or for a less serious crime;

b) at least half of the punishment term set for the commission of a serious crime;

c) at least two thirds of the punishment term set for the commission of an extremely serious or heinous crime.

(7) The control on the behavior of the individuals released on probation prior to term will be exercised by the competent bodies, and for soldiers, it will be exercised by the respective military commander.

(8) If during the unexecuted probation term:

a) the convict violates public order, for which an administrative sanction was applied, or he deliberately eludes performing his obligations set by the court on the application of the release on probation prior term, the court, at the recommendation of the body provided by Paragraph (7) of the present article, may issue an order regarding the cancellation of the release on probation prior to term and sending the convict to execute the term of his punishment that was not executed;

b) the convict commits by negligence a new crime, cancellation or maintaining the release on probation will be decided by the court;

c) the convict deliberately commits a new crime, the court will set his punishment according to the rules provided by Article 85. The punishment is applied according to the same rules in the case of a new crime committed by negligence, if the court cancels the release on probation prior to term.
Article 92. Replacement of the non-executed part of punishment by a milder punishment.

(1) For persons who execute their punishment in jail for the commission of a minor offense or for a less serious crime, the court, taking into account their behavior during the execution of the punishment, may issue an order on the replacement of the non-executed part of the punishment with an easier punishment. At the same time, a person can be entirely or partially released from the complementary punishment.

(2) The replacement of the non-executed part of the punishment by an easier punishment may be applied only after the convict executed in fact at least one third of the punishment term.

(3) In replacing the non-executed part of the punishment by an easier punishment, the court may chose any of the easier punishments provided by Article 62 within the limits provided for each category of punishments.

Article 93. Release from criminal punishment of juveniles.

(1) Juveniles convicted for the commission of a minor offense or for a less serious crime, may be released from punishment by the court, if the latter finds that the goals of the punishment can be accomplished through their internment into a specialized correctional institution or in a medical correctional institution, as well as through the application of constraint measures with an educational character, provided by Article 104.

(2) Internment of juveniles into a specialized correctional institution or in a medical correctional institution will be set by the court for a term until the age of 18. Prolongation of the term for the juvenile to stay in such an institution after he is 18 will be allowed only until the graduation of a secondary school or a professional school.

Article 94. Release from criminal punishment due to a change of the situation.

A person who committed a minor offense or less serious crime can be released from criminal punishment if it is found that at the date of trial of the case, due to a change of situation, the committed act lost its harmful nature and due to an exemplary behavior after the commission of the crime, he can be corrected without serving the criminal punishment.

Article 95. Release from serving a criminal punishment of persons seriously ill.

(1) A person who, while serving a criminal punishment, gets ill with a mental disease, that deprives him from the ability to appreciate his acts or to control them, will be released from serving a criminal punishment. On such a person, the court can apply medical constraint measures.

(2) A person who, after the commission of a crime or while serving a punishment, gets ill with a different serious disease than mentioned in Paragraph (1), that prevents from serving the punishment, can be released from serving the punishment by the court of law.

(3) Soldiers under arrest or in a disciplinary military unit, may be released from serving further the punishment in the case they got ill with disease due to which they became unable to perform their military service. The non-executed part of the punishment may be replaced with a milder punishment.

(4) Persons mentioned in Paragraphs (1) - (3), in case of recovery, may be submitted to punishment, if prescription terms provided by Articles 60 and 97 have not expired.

Article 96. Postponement of serving the punishment for pregnant women and for women who have children under the age of 8 years.

(1) Convicted pregnant women and women who have children under the age of 8 years, except for women convicted to jail for a term longer than 5 years for serious crimes, extremely serious crimes and heinous crimes against the person, the court may postpone the serving of the punishment until the child reaches the age of 8 years.

(2) In the case when any of the convicted persons, envisaged by Paragraph (1), waved the child or continues to elude from the child education, after the notice sent by the body that exercise the control on the behavior of the convict with postponed punishment serving, the court of law, at the recommendation of the control body, may cancel the postponement of the punishment serving and send the convict to serve her punishment in the place established in compliance with the sentence of the court.

(3) In the moment when the child reaches the age of 8 years, the court:
a) releases the convict from serving the non-executed part of the punishment;

b) changes the non-executed part of the punishment with a milder punishment;

c) sends the convict to the corresponding institution for serving the non-executed part of the punishment.

(4) If during the postponement of the punishment serving, the convict commits a new crime, the court will set a punishment in compliance with the rules provided by Article 85.

**Article 97. Prescription of the sentence of punishment serving.**

(1) The conviction sentence will not be served, if it was not applied within the following terms, starting from the day when the sentence became final:

   a) 2 years in case of conviction for a minor offense;
   
   b) 6 years in case of conviction for a less serious crime;
   
   c) 10 years in case of conviction for a serious crime;
   
   d) 15 years in case of conviction for an extremely serious crime;
   
   e) 20 years in case of conviction for a heinous crime.

(2) The prescription terms for punishment serving may be diminished to half for individuals who at the date of the commission of the crime were juveniles.

(3) Prescription is interrupted if a person eludes from serving the punishment or if he deliberately commits another crime until the expiring of the terms envisaged by Paragraph (1) and (2). In case of elusion from serving the punishment serving or when this person is arrested, and in the case a new crime is committed – from the moment of its commission.

(4) Prescription cannot prevent serving the main punishment pronounced for crimes against peace and security of the humanity or for war crimes provided by art. 135-137, 139 and 143.

**CHAPTER X.**

**SECURITY MEASURES**

**Article 98. Purpose and forms of security measures.**

(1) Security measures have as a purpose to eliminate dangers and to prevent the commission of acts provided by the Criminal Law.

(2) The security measures are as follows:

   a) compulsory measures of medical nature;
   
   b) compulsory measures of an educational nature;
   
   c) expulsion;
   
   d) special seizure.

**Article 99. Application of compulsory measures of medical nature.**

(1) On persons who committed acts provided by the Criminal Law in a state of irresponsibility or who committed such acts in a state of responsibility, but who until the pronouncing of the sentence or during the punishment serving got ill
with a mental disease, for which reason they cannot be conscious of their acts or control them, the court may apply the following compulsory measures of medical nature, which are enforced by medical authorities of the health protection agencies:

a) hospitalization into a mental institution under ordinary surveillance;

b) hospitalization into a mental institution under severe surveillance.

**Article 100. Hospitalization into a mental institution**

(1) Hospitalization into a mental institution under ordinary surveillance can be applied by the court on a mentally ill person who, because of his mental state and of the harmful nature of the committed act, needs medical care and compulsory treatment under ordinary surveillance.

(2) Hospitalization into a mental institution under severe surveillance can be applied by the court on a mentally ill person who, because of his mental state and of the harmful nature of the committed act is a serious danger for the society and needs hospitalization and treatment under severe surveillance.

(3) Persons hospitalized into mental institutions under severe surveillance are detained in conditions that exclude the possibility of committing by them of new harmful acts.

**Article 101. Establishing, change, maintenance of and ceasing the application of compulsory measures of medical nature on mentally ill persons.**

1) The court, considering that it is necessary to establish compulsory measures of medical nature, will chose their form depending on the mental disease of the person, the harmful nature and degree of the committed act. The person subjected to the forced treatment or his/her representative has the right to require a conclusion of an independent medical institution on the health condition of the person on whom compulsory measures of medical nature have been imposed.

2) The court, will dispose the cessation of appliance of compulsory measures of medical nature upon the opinion issued by the medical institution on person’s recovery or such a change of disease that excludes the necessity to apply such measures.

3) Change or maintenance of compulsory measures of medical nature is to be established also by the court of law, based on the check upon the necessity of such a treatment, performed at least once in 6 months, ex officio or at the request of the respective person or his/her representative.

4) If the court doesn't consider as necessary to apply the compulsory measures of medical nature on a mentally ill person, as well in case of cessation of application of such measures, the court can entrust that person into the care of his/her relatives or guardians, under a compulsory medical supervision.

**Article 102. Calculation of the length of application of compulsory measures of medical nature**

(1) On a person who, after the commission of a crime or during the serving of sentence, has become mentally ill, thus loosing the ability to be responsible for his/her actions or to control them, the court may impose a sentence on the recovery of the person, provided the statute of limitations has not expired, and there are no other grounds for exempting the individual in question of criminal responsibility and punishment.

(2) In the event that a sentence is imposed against such a person after his recovery, the time during which compulsory measures of a medical nature were in progress is to be excluded from the term of the sentence.

**Article 103. The imposition of compulsory measures of a medical nature for alcoholics and drug addicts or the establishment of guardianship for them**

(1) In the event of the commission of a crime by an alcoholic or a drug addict, the court, in the presence of a relevant medical opinion, ex officio or upon the intercession of the labor collective or public health agency, may institute compulsory treatment for the person in question in addition to the punishment for the crime which has been committed.

(2) The persons envisaged by Paragraph (1), having been sentenced to punishment not involving imprisonment, are subject to compulsory treatment at medical institutions with a special regime of treatment.
In the event of sentencing of individuals envisaged by Paragraph (1) to imprisonment, they are subject to compulsory treatment during the serving of the sentence, and after release from the places of imprisonment, if it is necessary to continue such a treatment, they are subject to treatment at medical institutions with special treatment conditions.

The court is to terminate compulsory treatment upon recommendation of the treatment institution at which the person in question is undergoing treatment.

In the event of the commission of a crime by a person who abuses alcoholic beverages and, in connection with such abuse, places his family in difficult material circumstances, the court has the power, upon the intercession of the labor collective or of close relatives, to establish guardianship for the individual in question in addition to the imposition of punishment for the crime which has been committed not involving imprisonment.

Article 104. The imposition of compulsory measures of an educational nature

On persons exempted from criminal responsibility, according to Article 54, the court may impose the following compulsory measures of an educational nature:

a) warning;

b) entrusting the minor under a strict supervision of parents or persons replacing them or to specialized state agencies;

c) obliging the minor to make restitution for the damage he has caused. The material state of minor is taken into consideration while applying this compulsory measure.

d) limitation of free time and establishing special requirements for the behavior of the minor.

e) obliging the minor to take a psychological rehabilitation treatment;

f) the placement of the minor into a special educational and training institution or treatment and training institution.

The listing from Paragraph (1) does not have an exhaustive character.

Several compulsory measures of an educational nature can be applied simultaneously to the minor.

In the case of systematic non-fulfillment of compulsory measures of an educational nature, the court at the recommendation of the state specialized institutions annuls the applied measures and holds the guilty person criminally liable.

Article 105. Expulsion

The foreign citizens and persons without citizenship who had been convicted for a crime can be forbidden to remain on the territory of the state.

In case the expulsion consorts with the punishment of imprisonment or arrest, the expulsion is applied only after the sentence is served.

When taking the decision on expulsion of persons provided by paragraph (1), the right to private live of these persons shall be taken into consideration.

Article 106. Special seizure

Special seizure constitutes the forced and free passing of the goods used or resulted from crimes, into the state property.

The following goods are subject to special seizure:

a) produced through an act set forth in the current code;
b) that served or were meant to serve for committing a crime, if they belong to the offender;

c) that were given to determine perpetration of a crime or to pay the offender;

d) obviously obtained through perpetration of a crime, if they are not returned to the damaged party or if they do not serve as means to restitution;

e) held against legal orders;

(4) Special seizure is applied against persons who committed acts set forth in the current Code.

(5) Special seizure can be applied even in cases when a criminal punishment was not applied.

CHAPTER XI

CASES THAT REMOVE CRIMINAL LIABILITY OR CONSEQUENCES OF CONVICTION

Article 107. Amnesty

(1) Amnesty is an act which has as an effect the removal of criminal liability or of punishment, or reduction of the applied punishment or its change into an easier one.

(2) Amnesty does not have any effects on the security measures or on the rights of the damaged person.

Article 108. Pardon

(1) Pardon is an act which totally or partially releases the convicted persons from the applied punishment, or through which the applied punishment is changed into an easier one.

(2) Pardon is individually granted by the President of the Republic of Moldova.

(3) The pardon does not have effects on complimentary punishments, except for the cases when it is provided in the pardon order.

(4) Pardon does not have any effects on the security measures or on the rights of the damaged person.

Article 109. Reconciliation

(1) Reconciliation is an act that removes criminal liability for a minor offence or a less serious crime.

(2) Reconciliation is personal and bears legal effects since the moment of initiating criminal prosecution and until the sentence becomes final.

(3) Reconciliation on behalf of persons deprived of legal capacity (Note: the capacity to exercise their rights) to act shall be done only by their legal representatives. Persons with limited legal capacity can reconcile with the consent of persons provided by law.

Article 110. Definition of criminal record

The criminal record is a legal state of a person that appears since the moment of entering into force of the conviction sentence that generates legal unfavorable consequences for the convicted, until their annulment or rehabilitation.

Article 111. Lawful rehabilitation

(1) Persons without criminal antecedents (record) are considered to be those:

   a) exempted from criminal punishment;
b) exempted from criminal liability according to amnesty act;

c) exempted, according to the amnesty or pardon act, from execution of the punishment pronounced by the conviction sentence;

d) convicted conditionally, if during the probation period the conditioned conviction was not annulled;

e) convicted to a punishment easier than imprisonment after the execution of the punishment;

f) who executed the punishment in a military disciplinary unity or were released from that prior to term;

g) convicted for committing a misdemeanor or a less serious crime, if 2 years have expired from the execution of the punishment;

h) convicted to imprisonment for committing a serious crime if 6 years have expired from the execution of the sentence;

i) convicted to imprisonment for extremely serious crimes, if 8 years have expired from the execution of the sentence;

j) convicted for imprisonment for a heinous crime, if 10 years have expired from the execution of the sentence.

(2) If the convicted, in the way provided by the law, was released prior to term from the punishment execution or the unexecuted part of the punishment was replaced with a milder punishment, the term of annulling the criminal antecedents is calculated taking into consideration the real term of the executed punishment from the moment when the person was exempted from executing the main and secondary punishments.

(3) Annulment of criminal antecedents annuls all the incapacities and deprivation of the rights related to criminal antecedents.

Article 112. Judicial rehabilitation

(1) If the person, who served the criminal punishment, proved to have an excellent behavior, then at his/her request the court may annul the criminal antecedents before the expiration of the term for their annulment. The following can be conditions for legal rehabilitation:

   a) the convict did not commit a new crime;

   b) if at least half of the term provided by article 111, paragraph (1) and (2) expired;

   c) if he/she had an exemplary behavior;

   d) if the convict can assure his existence through labor or other honest means, as well as convict who reached the retirement age or is not capable to work.

(2) Rehabilitation annuls all incapacitates and limitations in rights related to the criminal antecedents.

(3) In case the request for rehabilitation is rejected, a new request can be submitted only after a year.

(4) Annulment of judicial rehabilitation shall be done when after it had been granted it was found out that the rehabilitated person had another conviction, which if known would lead to rejection of the rehabilitation application.

Chapter XII

QUALIFICATION OF THE CRIMES

Article 113. Definition of qualification of the crime
(1) Qualification of the crime is considered defining and legal inclusion of exact matching of signs of the harmful act committed and signs of the crime component, provided by the criminal legislation.

(2) Official qualification is done at all levels of the criminal procedure by persons that lead criminal investigation and judges.

**Article 114. Qualification of crimes in case of conjunction of crimes**

Qualification of a conjunction of crimes, envisaged by article 33 is performed referring to all articles or paragraphs of one article of the criminal law that set forth the illegal acts which are committed.

**Article 115. Qualification of crimes in case of conjunction of criminal provisions**

(1) Conjunction between several criminal provisions is perpetration of a harmful act by a person or a group of persons, an act which is provided by the provisions of two or more criminal norms, and which constitutes a single crime.

(2) Selection of one of the norm, which reflects most precisely the legal nature of the committed harmful act, shall be done according to the rules provided by articles 116 - 118.

**Article 116. Qualification of crimes in case of conjunction of general and special norms**

(1) General norm is considered to be the criminal norm which provides for two or more specific illegal acts, and the special norm only specific cases of this number of crimes.

(2) In case of conjunction of general and special norm, only the special norm is applied.

**Article 117. Qualification of the crime in case of conjunction of two special norms**

Conjunction of two special norms has the following varieties:

- a) when the component of the crime includes alleviating and aggravating circumstances, the crime is qualified based on the attenuating circumstances.
- b) when there are two crime components with alleviating circumstances, the crime is qualified based on the least harsh punishment;
- c) in case of two crime components with aggravating circumstances, the crime is qualified based on the harsher punishment.

**Article 118. Qualification of the crimes in case of conjunction of a part and a whole**

(1) Conjunction of a part and a whole is existence of a criminal norm that includes the illegal act entirely, and others that include only parts of it.

(2) Qualification of the crimes in case of conjunction of a part and a whole is done based on the norm that includes entirely all the signs of the committed illegal act.

**Chapter XIII**

**MEANING OF SOME TERMS AND EXPRESSIONS IN THE CRIMINAL LAW**

**Article 119. General provisions**

Anytime the criminal law provides a term or an expression that are defined in the present chapter, their meaning is the one provided in the next articles.

**Article 120. Territory**
The term “territory of the Republic of Moldova” and “territory of the country” means land and waters included within the borders of the Republic of Moldova with its underground and air space.

**Article 121. State secret**

State secret is the information protected by the state in the area of its military activity, economic, technical – scientifically, foreign policy, reconnaissance, anti-reconnaissance, operative and investigation information, which in case of distribution, disclosure, loss, withdrawal or destruction can endanger the state security.

**Article 122. Person that has international protection**

A person that has international protection is considered:

a) chief of the foreign state, including each member of the collegial authority that exercise the duties of the chief of state according to the Constitution of the respective state, chief of government, ministry of foreign affairs of the foreign state, as well as members of their family that escort them;

b) any official representative or official person of the foreign state, or any official person or any other agent of the intergovernmental international organization, which according to the international law, has a right to special protection against any attack over his person, freedom or dignity, as well as members of their families that live with them.

**Article 123. Official Person**

(1) Official person is considered a person whom in an enterprise, institution, public authority organization or local public administration, are given temporarily or permanently by law, appointment, election, assignment - certain rights and obligations in regards to exercising public authority functions or administrative functions or economic – organizational functions.

(2) High official person is considered the person whose election or appointment is regulated by the Constitution of the Republic of Moldova and organic laws, as well as people to whom the above mentioned official persons delegated their authority.

**Article 124. Person who administrates commercial organizations, public or other non-governmental organizations**

A person who administrates commercial organization, public or other non-governmental organization or a department of these organizations, is considered to be the person whom within the above indicated organization or its subdivision is given permanently or temporarily through appointment, election, or through an assignment, certain rights and obligations in regards to exercising administrative duties or dispositions or economic – organizational duties.

**Article 125. Illegal performance of entrepreneurial activity**

Illegal performance of commercial activity is:

a) performing commercial activity without the proper registration (repeated registration) at the special authorized bodies;

b) performing certain activities which are forbidden by the legislation;

c) performing entrepreneurial activities through branches, representations, sections, stores, warehouses, commercial units and other units which are not registered in accordance with the legislation;

d) performing the commercial activities without using commercial symbols, factory brands and without indicating in documents of fiscal codes, in case their using or indication is required by legislation, or performing this activity using foreign or forged fiscal codes.

**Article 126. Damages on an especially large, large, considerable, essential and small scale**

(1) Damage is the value, estimated in money, of the seized, obtained, received, destroyed material goods or the amount of the damage inflicted by a person or a group of persons. Damages on an especially large scale are damages
which value in the moment of crime perpetration exceeds the fine amount of 1500 conventional units; damages on a large scale – exceeds 500 units; considerable damages – 250 units; essential damages – exceeds 5 units and for damages on a small scale this value does not exceed the amount of 5 conventional units of fine.

(2) In accordance with the Labor Code when establishing the value of the inflicted damage, only the direct real damage is to be taken into consideration, if the inflicted damage is related to non-fulfillment of the labor obligations, in other cases according to the Civil Code of the Republic of Moldova, lost profit is to be added to the direct real damage.

(3) Damages inflicted by the seizure or illegal traffic of narcotic and psychotropic substances are to be estimated in accordance with the definition of small and large amount of these, approved by the Drugs Control Permanent Committee.

Article 127. War time

Wartime is the period of time from the date of declaring mobilization or from the beginning of war operations until the date of transferring the army to state of peace.

Article 128. Military crimes

(1) Military crimes are considered crimes set forth in the present Code, committed against the established way for fulfilling the military service, committed by military, which are in the military service for a term or based on a contract for military compulsory training or are called to fulfill military service.

(2) Militaries who committed crimes are to be criminally punished in accordance to the general and special parts of the present Code.

Article 129. Arms

(1) Arms are instruments, parts or devises defined by law as arms.

(2) Any other natural objects that could be used as arms and that were used for attacking are assimilated to arms.

Article 130. Mercenary

A mercenary is considered a person who performs on the territory of a state involved in military conflict or military action an activity for the purpose of receiving a material compensation and is not a citizen of the state and does not have a permanent domicile on the territory of that state and is not a delegated person for performing the official obligations.

Article 131. An act committed in public

An act is considered to be “committed in public”, when it has been committed:

a) in a place that by its nature and destination is always accessible to public, even when no person is present their, if the offender realized that the act could be known by the public;

b) in any other place accessible to public, if two or more persons are present;

c) in a place not accessible to public, but with the intention for the act to be heard and seen, if this result was in front of two or more persons;

d) in a meeting or assembly of several persons, except for meetings that can be considered having a family character, based on the relationship among participating persons;

e) by any means in regards to which the perpetrator knew that the act could get to public.

Article 132. Transportation vehicles

Transportation vehicles include all types of automobiles, tractors and other self-propelled automobiles, trams and trolley buses, as well as motorcycles and other mechanic transportation vehicles.
**Article 133. Cultural values**

Cultural values are considered those that have a religious or secular character indicated in Convention of the United Nations Organization on November 14, 1970 in regards to measures oriented towards forbiddance or prevention of introducing, withdrawal or illegal transmission of the copyright over the cultural values.

**Article 134. Kinship**

(1) Kinship is the relation based on the origin of one person from another or based on the fact that a few persons have a common ancestor. In the first case there is a direct line kinship, in the second - a collateral one.

(2) The degree of kinship shall be established by the number of births.

(3) Relatives of one spouse are in-law relatives with another spouse. The lines and degrees of in-law relationship are the same as the lines and degrees of the kinship.

**SPECIAL SECTION**

**Chapter I**

**CRIMES AGAINST PEACE OR SECURITY OF HUMANITY AND WAR CRIMES**

**Article 135. Genocide**

Committing, for the purpose of destroying totally or partially a national, ethnic, racial or religious group, one of the following acts:

a) murder of members of a group;

b) inflicting of gross harm to physical or mental integrity of the members of a group;

c) taking measures for diminution of the level of birth within a group;

d) trafficking in children of a group;

e) deliberately imposing conditions of existence that cause total or partial physical destruction,-

Shall be punished with a jail sentence of between 16 and 25 years or life detention.

**Article 136. Ecocide**

Deliberate mass destruction of flora and fauna, intoxication of atmosphere or water resources, as well as committing other acts that would cause or caused an environmental catastrophe,-

Shall be punished with a jail sentence of between 12 and 20 years.

**Article 137. Inhuman treatment**

(1) Subjecting to torture or inhuman treatments, by any methods, in order to deliberately cause great sufferings or serious injuries to physical integrity or health of wounded or sick persons, war prisoners, civil persons, members of civil sanitarium staff or of the Red Cross or other similar organizations, of shipwrecked persons, as well as of any other person under the power of the adversary, or subjecting this person to medical, biological or scientific experiments that are not justified on a medical treatment for their benefit,-

Shall be punished with a jail sentence of between 8 and 15 years.

(2) Committing towards the persons indicated in paragraph (1) of this article one of the following acts:

a) Forcing to serve in the army of the adversary;
b) Taking hostages;

c) Deportation;

d) Transferring or depriving of freedom without a legal basis;

e) Convicting exercised by a court illegally established without a preliminary trial and without respecting the judicial fundamental guarantees provided by law,

Shall be punished with a jail sentence of between 12 and 20 years.

(3) Torturing, mutilation, extermination or execution without a legal trial of those persons indicated in paragraph (1),

Shall be punished with a jail sentence of between 16 and 25 years or life detention.

Article 138. Infringement of the Humanitarian International Law

(1) Execution of an illegal order that may obviously cause crimes provided by article 137,

Shall be punished with a jail sentence of between 5 and 10 years.

(2) Giving an obviously illegal order, by a chief to his subordinated person during military conflicts, an order oriented to cause the crime provided by article 137, if elements of a more serious crime are absent,

Shall be punished with a jail sentence of between 8 and 15 years.

(3) Failure to fulfill or inadequate fulfillment by a chief of his obligations to prevent the perpetration by subordinated persons of crimes provided by article 137,

Shall be punished with imprisonment for a period of 6 to 12 years.

Article 139. Planning, preparing, unleashing or waging of a war

(1) Planning, preparing, unleashing of a war,

Shall be punished with a jail sentence of between 12 and 20 years.

(2) Waging of a war,

Shall be punished with a jail sentence of between 16 and 25 years or life detention.

Article 140. War propaganda

(1) War propaganda, spreading of tendentious or invented news, of a nature to instigate to war, or any other activities oriented to unleashing a war, committed through speech, writing, radio, television, cinema or any other means,

Shall be punished by a fine in the amount of up to 500 conventional units or by imprisonment for a period of 3 to 8 years, in both cases with forfeiture of the right to hold certain positions or to engage in certain activities for an up to 5 year period.

(2) Committing the acts set forth in paragraph (1) by a high official of public authority,

Shall be punished by a fine in the amount of 500 to 1000 conventional units or by jail sentence of between 8 and 12 years, in both cases with forfeiture of the right to hold certain positions or to engage in certain activities for an up to 5 year period.

Article 141. Activity of mercenaries
(1) Participation of mercenaries in armed conflicts or military actions,

Shall be punished with jail sentence of between 5 and 15 years.

(2) Hiring, training, financing or any other insurance provided to mercenaries, as well as involving them in armed conflicts or military actions,

Shall be punished with jail sentence of between 5 and 15 years.

**Article 142. Attacking persons or institutions that are under international protection**

Attacking a representative of a foreign state or collaborator of an international organization, who is under international protection according to international treaties to which the Republic of Moldova is a party, as well as offices or domiciles of these persons, if these acts were committed with the purpose of unleashing a war or international complications,

Shall be punished with jail sentence of between 10 and 15 years.

**Article 143. Using forbidden means and methods in waging a war**

(1) Using during a military conflict of means and methods forbidden by international treaties to which the Republic of Moldova is a party,

Shall be punished with jail sentence of between 12 and 20 years.

(2) Using a mass destruction arm forbidden by the international treaties to which the Republic of Moldova is a party,

Shall be punished with jail sentence of between 16 and 25 years or detention to life.

**Article 144. Cloning**

Creating human beings by cloning,

Shall be punished with jail sentence of between 7 and 15 years.

**Chapter II**

**CRIMES AGAINST LIFE AND HEALTH OF THE PERSON**

**Article 145. Deliberate murder**

(1) Murder of a person,

Shall be punished with jail sentence of between 12 and 20 years.

(2) Murder committed:

a) with premeditation;

b) for profit;

c) out of hooligan motives;

d) in connection with the performance by the victim of his official or public duty;

e) taking advantage of the helpless state of the victim to defend himself;

f) involving kidnapping or taking the victim as a hostage;
Shall be punished with jail sentence of between 16 and 25 years.

(3) Murder committed:

   a) against two or several people;
   b) against a husband (wife) or close relative,
   c) knowingly against a pregnant woman;
   d) knowingly against a minor;
   e) against a representative of public authorities or a military person during or related to performing his official duties;
   f) by two or more people;
   g) by a person previously convicted for deliberate crimes set forth in paragraphs (1) or (2);
   h) committed with special cruelty or out of sadistic motives;
   i) committed for the purpose of concealing another crime or of facilitating the commission of such a crime or involving rape;
   j) out of social, national, racial, or religious hatred or enmity;
   k) by methods endangering life or health of many people;
   l) for drawing and/or use or trade in victim’s organs or tissues;
   m) at order;

Shall be punished with jail sentence of between 20 and 25 years or life detention.

**Article 146. Murder committed in a state of affect**

Murder committed in a state of affect, caused by acts of violence or by other unlawful or immoral acts on the part of the victim, if such acts involved or could have involved serious consequences for the guilty party or his relatives,

Shall be punished with jail sentence of up to 5 years.

**Article 147. Murder of a newborn infant by the mother**

Murder by the mother of her own newborn infant during the birth or immediately after its birth, when she was in a state of physical and psychical disorder caused by birth which diminished her power of discernment,-

Shall be punished with jail sentence of between 3 and 7 years.

**Article 148. Manslaughter with the person’s consent (euthanasia)**

Depriving of life the person related to an incurable serous sickness or unbearable physical pain, if there was a wish of the victim, or of relatives in cases of a minor,

Shall be punished with jail sentence of between 3 and 7 years.

**Article 149. Manslaughter by negligence**
(1) Manslaughter by negligence,

Shall be punished with jail sentence of up to 3 years.

(2) Manslaughter by negligence of two or more persons,

Shall be punished with jail sentence of between 3 and 7 years.

**Article 150. Inducement to commit suicide**

(1) Inducement of a person to commit suicide or to attempt of suicide by systematic persecution, slander or insult on the part of the guilty party,

Shall be punished with jail sentence of between 2 and 5 years.

(2) The inducement to commit suicide or to attempt of suicide:

a) of a husband (wife) or other close relative;

b) of a minor;

c) of a person in a position of material or some other form of dependence on the guilty party;

by systematic undermining of the personal dignity of the victim;

d) by cruel treatment;

e) by systematic undermining of the personal dignity of the victim;

Shall be punished with jail sentence of between 3 and 7 years.

**Article 151. Deliberate gross bodily or health harm**

(1) Deliberate gross bodily harm to corporal integrity or health, endangering life or which resulted in loss of vision, hearing, speech or other organ or the loss of function of an organ, mental illness or some other health disorder involving the persistent loss of at least one-third of the capacity to work, or resulting in the termination of pregnancy, or exhibited in the permanent disfigurement of face and neighboring regions,

Shall be punished with jail sentence of between 5 and 10 years.

(2) Same action, when committed:

a) against a spouse or another member of family;

b) against a minor; by two or more persons;

c) against a person in connection with the performance of his official or public duty;

d) by two or more persons;

e) by a method with the nature of torture or torture;

f) by methods dangerous for life and health of more people;

g) out of economic interests;

h) out of hooligan motives;
i) out of social, national, racial, or religious hatred and enmity;

Shall be punished with jail sentence of between 6 and 12 years.

(3) Acts envisaged by paragraph (1) or (2), when committed:

a) repeatedly;

b) against two or more persons;

c) by an organized criminal group or criminal organization;

d) for drawing and/or use or trade in victim’s organs or tissues;

e) at order,

Shall be punished with jail sentence of between 8 and 15 years.

(4) Actions envisaged in paragraphs (1), (2) or (3), which resulted in death of the victim,

Shall be punished with jail sentence of between 10 and 15 years.

Article 152. Deliberate medium bodily harm or health harm

(1) Deliberate bodily harm or health harm which does not endanger life or doesn't result in the consequences indicated in Article 151, but which resulted in prolonged disorder to health or significant chronic loss of less than one-third of the capacity to work,

Shall be punished with arrest for a period of up to 6 months or with jail sentence of up to 4 years.

(2) Same action, when committed:

a) repeatedly; by two or more persons;

b) against two or more persons;

c) against a husband (wife) or another close relative;

d) against a person in connection with the performance of his official or public duty;

e) by two or more persons;

f) by actions of torture or cruelty;

g) by methods endangering life or health of more persons;

h) for profit;

i) out of hooligan motives;

j) out of national, social, racial, or religious hatred or enmity;

k) at order,

Shall be punished with jail sentence of between 3 and 7 years.

Article 153. Light bodily harm or health harm
Inflicting of deliberate light bodily harm, that resulted in short term health disorder of the victim, or loss of a light but stable capacity to work, -

Shall be punished by a fine in the amount of between 200 and 300 conventional units or by unpaid work for the community benefit of between 180 and 240 hours, or by imprisonment for a period of up to one year.

Article 154. Deliberate maltreatment or other violent acts

(1) Deliberate maltreatment or other violent acts, if they did not cause the consequences set forth in Articles 151-153,

Shall be punished by a fine in the amount of between 200 and 500 conventional units or by jail sentence of up to 3 years.

(2) Same actions, when committed:

a) against the spouse or a close relative;

b) against a minor;

c) knowingly against a pregnant woman;

d) against a person in connection to his performing the official or public duty;

e) by two or more persons;

f) by use of helpless state of the victim;

g) by use of special torture instruments,

h) at order

Shall be punished by a fine in the amount of between 500 and 1000 conventional units or by jail sentence of between 3 and 6 years.

Article 155. Threatening to murder or inflict gross bodily or health harm

Threatening to murder or inflict gross bodily or health harm, if the danger of carrying out the threats existed, -

Shall be punished by a fine in the amount of between 200 and 400 conventional units or with arrest of up to 6 months, or by jail sentence of up to 2 years.

Article 156. Deliberate gross or medium bodily or health harm inflicted in state of affect

Deliberate gross or medium bodily harm or health hurting, caused by violence or a gross insult or by other unlawful or immoral acts on the part of the victim, if the actions in question resulted in or might have resulted in severe consequences to the guilty party or his relatives, -

Shall be punished by a fine in the amount of between 200 and 500 conventional units or with arrest of up to 6 months, or by jail sentence of up to 3 years.

Article 157. Gross or medium bodily or health harm caused by negligence

(1) Gross or medium bodily harm or health hurting, caused by imprudence,-

Shall be punished by a fine in the amount of up to 300 conventional units or by unpaid work for the community benefit of between 180 and 240 hours, or by jail sentence of up to 2 years.

(2) Gross bodily harm or health harm by negligence resulted in death of the victim,
Article 158. Forcing a person to drawing of organs or tissues for transplant

(1) Forcing a person to drawing of organs or tissues for transplant or other purposes, committed by using violence or threatening to use it,-

Shall be punished by jail sentence of between 2 and 5 years with forfeiture of the right to hold certain positions or perform certain activities for a period of up to 3 years.

(2) The same act committed against a person about whom the guilty party new with certainty that he/she was in a helpless state or in a material or any other form of dependence with the guilty party,-

Shall be punished by jail sentence of between 3 and 7 years with forfeiture of the right to hold certain positions or perform certain activities for a period of between 2 and 5 years.

Article 159. The unlawful performance of an abortion

(1) Interruption of the pregnancy by any means, when committed:
   a) outside of medical institutions or medical offices authorized for this purpose;
   b) committed by a person who has no special higher medical education;
   c) if the pregnancy term is more than 12 weeks;
   d) if the victim has medical interdictions for performing such an operation;
   e) in unsanitary conditions,

Shall be punished by a fine in the amount of 200 to 500 conventional units or by imprisonment for a period of up to 2 years.

(2) Same action:
   a) when committed repeatedly;
   b) that caused medium or gross bodily or health harm by negligence;
   c) that caused death of the victim by negligence,

Shall be punished by jail sentence of between 5 and 10 years with (or without) the forfeiture of the right to hold certain positions or perform certain activities for a period of up to 5 years.

Article 160. Illegal performing of surgical sterilization

(1) Illegal performing of surgical sterilization by a doctor,

Shall be punished by a fine in the amount of up to 200 conventional units with (or without) the forfeiture of the right to hold certain positions or perform certain activities for a period of up to 3 years.

(2) The same action committed:
   a) in unspecialized medical-sanitarium units;
   b) by a person who does not have the appropriate medical higher education,
Shall be punished by a fine in the amount of up to 500 conventional units or with jail sentence of up to 3 years, in both cases with (or without) the forfeiture of the right to hold certain positions or perform certain activities for a period of up to 5 years.

3) Acts set forth in paragraphs (1) or (2), when:

a) were committed repeatedly;

b) caused a long-term health disorder or a serious harm to bodily integrity or health by negligence;

c) caused death of the patient by negligence,-

Shall be punished by jail sentence of between 3 and 10 years with (or without) the forfeiture of the right to hold certain positions or perform certain activities for a period of up to 5 years.

**Article 161. Performance of artificial fecundation or implanting the embryo without the consent of the patient**

Performance by a doctor of artificial fecundation or implanting an embryo without the written consent of the patient,

Shall be punished by a fine in the amount of up to 300 conventional units with the forfeiture of the right to hold certain positions or perform certain activities for a period of 2 to 5 years.

**Article 162. The failure to render assistance to a sick person**

(1) The failure to render assistance to a sick person without grounded reasons by a person obliged by law or by special regulations to render such assistance,

Shall be punished by a fine in the amount of 200 to 500 conventional units or by arrest for a period of up to 6 months.

(2) The same act, if it caused by negligence:

a) gross bodily or health harm;

b) death of the sick person

Shall be punished with jail sentence of up to 5 years with the forfeiture of the right to hold certain positions or perform certain activities for a period of up to 3 years.

**Article 163. Abandonment in danger**

(1) The deliberate abandonment of a person in a life-endangering situation and who lacks the ability to take measures to protect himself due to youth, old age or disease or as a result of general helplessness, in cases where the guilty party had the ability to render assistance to the victim being obliged to take care of the victim or the guilty party himself placed the victim into a life – endangering situation,

Shall be punished by a fine in the amount of up to 200 conventional units or by imprisonment for a period of up to 2 years.

(2) The same act, when it caused by negligence:

a) gross bodily or health harm;

b) death of the victim

Shall be punished with jail sentence of up to 4 years.

**Chapter III**
CRIMES AGAINST FREEDOM, HONOR AND DIGNITY OF THE PERSON

Article 164. Kidnapping

(1) Kidnapping shall be punished with jail sentence of between 5 and 10 years.

(2) The same act, when committed:
   a) repeatedly;
   b) against two or more persons;
   c) against a pregnant woman;
   d) knowingly against a minor;
   e) by to or more persons;
   f) for profit;
   g) by use of a weapon or other objects used as weapons;

   Shall be punished with jail sentence of between 7 and 15 years with a fine in the amount of 500 to 1000 conventional units or without such fine.

(3) Acts set forth in paragraphs (1) or (2) of the present article, if:
   a) committed by an organized criminal group or a criminal association;
   b) caused gross bodily harm or health harm or death of the victim by negligence,

   Shall be punished with jail sentence of between 10 and 20 years with a fine in the amount of 800 to 1500 conventional units or without such fine.

Article 165. Trafficking in Human Beings

(1) Recruitment, transportation, transfer, sheltering or reception of a person for the purpose of commercial or non-commercial sexual exploitation, forced labor or services, slavery or forms similar to slavery, of using a person in armed conflicts and criminal activities, drawing of human organs or tissues for transplant, committed by:

   a) threatening of use or using physical or psychical violence without endangering a person’s life and health, including kidnapping, confiscation of documents and servitude for the purpose of paying off a debt whose limits and amounts has not been reasonably established;

   b) fraud;

   c) abuse of vulnerability or abuse of power by giving or receiving some payments or benefits for the purpose of obtaining the consent of a person who controls another person,

   Shall be punished with a jail term of between 7 and 15 years.

(2) Actions envisaged by paragraph (1) of this article and committed:

   a) repeatedly;
   b) against two or more persons;
(c) against a pregnant woman;

d) by two or more persons;

e) with violence endangering a person's life, physical or psychical health;

f) by use of torture, inhuman or degrading treatments in order to attain the person's subordination or by rape, physical dependence, using a weapon, threatening with divulgation of confidential information to victim's family and to other persons, as well as through other means,-

Shall be punished with a jail term of between 10 and 20 years.

(3) Actions envisaged by paragraphs (1) or (2) of the present article, committed:

a) by an organized criminal group or criminal organization;

b) by resulting with a person's serious bodily damage or mental illness, or person's death,-

Shall be punished with a jail sentence of between 15 and 25 years, or with life imprisonment.

4) the victim of trafficking in human beings shall be exempted from criminal liability for the offences committed by him/her in connection to this status provided that he/she accepts to cooperate with the law enforcement body on the relevant case.


Article 166. Illegal imprisonment

(1) Illegal imprisonment of a person, if this is not related to his/her kidnapping,

Shall be punished by imprisonment for a period of up to 2 years.

(2) Same act when committed:

a) Repeatedly;

b) Against two or more persons;

c) Knowingly against a minor;

d) By two or more persons;

e) By use of physical violence endangering life and health of the person;

f) By use of a weapon, or other objects used as weapons,

Shall be punished by imprisonment for a period of 3 to 8 years.

(3) Actions envisaged by paragraphs (1) and (2) of this article, accompanied by causing gross bodily harm or health harm, or death of the person by negligence,-

Shall be punished by imprisonment for a period of 5 to 10 years.

Article 167. Slavery and similar to slavery conditions

Placing or keeping a person in conditions when another person exerts control over the former person, or determining a person, by using deception, compulsion, violence or threatening with use of violence, to enter or to remain in relationship of concubines or marriage,-
Shall be punished with fine in the amount of 200 to 600 conventional units or with jail sentence of between 3 and 10 years, in both cases with depriving of the right to hold certain positions or perform certain activities for a period of up to 5 years or without such forfeiture.

**Article 168. Forcing to labor**

Forcing a person to perform a labor against his/her will or forcing to a compulsory labor, keeping a person under servitude for paying a debt, obtaining labor or services through deception, compulsion, violence or threats to use violence,

Shall be punished with imprisonment for a period of up to 3 years with a fine in the amount of 200 to 500 conventional units.

**Article 169. Illegal placement into a mental institution**

(1) Illegal placement of an obviously mentally healthy person into a mental institution,

Shall be punished by imprisonment for a period of up to 3 years with depriving of the right to hold certain positions or perform certain activities for a period of up to 3 years.

(2) The same act, when caused by negligence:

a) gross bodily harm or health harm;

b) death of the victim,

Shall be punished with jail sentence of between 3 and 10 years with depriving of the right to hold certain positions or perform certain activities for a period of between 3 and 5 years.

**Article 170. Slander**

(1) Slander, namely knowingly spreading lies that defame another person associated with accusation of committing an exceptionally serious crime or heinous crime,

Shall be punished with jail sentence for up to 5 years.

**Chapter IV**

**CRIMES REGARDING SEXUAL LIFE**

**Article 171. Rape**

(1) Rape, meaning sexual intercourse committed by use of physical or psychical compulsion on the person or by taking advantage of the victim’s impossibility to defend or to express the will,

Shall be punished with jail sentence of between 3 and 7 years.

(2) Rape:

a) committed repeatedly;

b) committed knowingly against a minor;

c) committed by two or more persons;

d) committed with premeditated intoxicating or poisoning of the victim;

e) involving deliberate contaminating of a sexually transmitted disease;
f) involving torturing the victim;

g) involving threatening the victim or her close relatives with death or inflicting bodily harm;

Shall be punished with jail sentence of between 5 and 15 years.

(3) Rape:

a) of a person that is under the care, protection, education or treatment of the perpetrator;

b) of a minor who has not reached the age of 14 years old;

c) involving deliberate contaminating with AIDS;

d) that caused gross bodily harm or health harm by negligence

e) that caused death of the victim by negligence;

e) resulted in other severe consequences,

Shall be punished with jail sentence of between 10 and 25 years or detention for life.

Article 172. Violent actions with a sexual character

(1) Sodomy, lesbianism or other actions with a sexual character committed by use of physical or psychological constraint on the person, or by taking advantage of the victim’s impossibility to defend itself or to express the will,

Shall be punished with jail sentence of between 3 and 7 years.

(2) The same actions:

a) committed repeatedly;

b) committed knowingly against a minor;

c) committed by two or more persons;

d) that resulted in contaminating the victim with venereal disease;

e) associated with threatening with death or inflicting serious bodily harm

Shall be punished with jail sentence of between 5 and 15 years.

(3) Acts envisaged by paragraphs (1) or (2), if:

a) committed against a person about whom it was known with certainty that he/she didn’t reach the age of 14 years old;

b) caused deliberate contamination with AIDS;

c) caused serious bodily or health harm of the victim by negligence;

d) caused by negligence death of the victim;

e) caused other serious consequences,

Shall be punished with jail sentence of between 10 and 25 years or life detention.
Article 173. Compelling to sexual intercourse

Compelling a person to sexual intercourse, sodomy, lesbianism or committing other actions with sexual nature by use of blackmail or taking advantage of the financial dependence, related to work or any other kind of dependence of the victim,

Shall be punished by a fine in the amount of 300 to 500 conventional units or by jail sentence of between 2 to 5 years.

Article 174. Sexual intercourse with a person who has not reached the age of 14 years

(1) Sexual intercourse, sodomy, lesbianism, as well as other actions with sexual nature with a person about whom was known with certainty that he/she hadn’t reached the age of 14 years,

Shall be punished with jail sentence of up to 5 years.

Article 175. Pervert actions

Committing pervert actions against a person, about whom it was certainly known that hadn’t reached the age of 14 years old,

Shall be punished with jail sentence of between 3 and 7 years.

Chapter V

CRIMES AGAINST POLITICAL, LABOR AND OTHER CONSTITUTIONAL RIGHTS OF THE CITIZENS

Article 176. Infringement of the right to equality of citizens

Infringement of rights and liberties provided by the Constitution and other laws, based on gender, race, color, language, religion, political opinions or any other opinions, ethnic or social origin, affiliation to a national minority, property or any other situation:

a) committed by an officially person;

b) if caused serious damages

Shall be punished with a fine in amount of 300 to 600 conventional units or imprisonment for up to 3 years, in both cases with (or without) forfeiture of the right to hold certain positions or exercise a certain activity for a term of between 2 and 5 years.

Article 177. Violation of the privacy of personal life

1) Illegal collecting and knowingly dissemination of protected by law information about other person’s personal life, that constitutes a personal or family secret, without his/her consent, -

Shall be punished with a fine in amount of up to 300 conventional units or by 180 to 240 hours of unpaid labor in the benefit of community.

2) Dissemination of information envisaged by paragraph (1):

b) in a public speech, by mass-media;

c) by deliberate use of job position,

Shall be punished with a fine in amount of 200 to 500 conventional units or arrest of up to 6 months.

Article 178. Violation of the privacy of correspondence
1) Violation of the right to privacy of letters, telegrams, parcels, other mail, conversations carried by telephone or telegraph, infringing the legislation in force,-

Shall be punished with a fine in amount of up to 200 conventional units or by 120 to 180 hours of unpaid work for the benefit of community.

2) The same action, committed:
   a) by use of job position;
   b) by use of special technical device, provided for illegal receipt of information;
   c) in interests of an organized criminal group or criminal organization,-

Shall be punished with a fine in amount of 200 to 400 conventional units or forfeiture of the right to hold certain positions or to carry on a certain activity for a term up to 3 years.

**Article 179. Violation of domicile**

1) Illegal intrusion or staying at the domicile or residence of a person without his/her consent or refusal to leave it at her/his request, as well as performing illegal searches and investigations,

Shall be punished with a fine in amount of up to 300 conventional units or jail sentence of up to 2 years.

2) The same actions committed by use of or threatening to use violence

Shall be punished with a fine in amount of between 200 and 600 conventional units or jail sentence of between 2 and 5 years.

3) Actions envisaged by paragraphs (1) or (2), committed:
   a) by use of job position;
   b) by an organized criminal group or criminal organization,

Shall be punished with jail sentence of between 3 and 7 years.

**Article 180. Deliberate violation of legislation regarding the right to access to information.**

Deliberate violation by a public person of the legal procedure for ensuring and enforcement of the right to access to information, which caused a considerable damage to the legally protected rights and interests of the person who requires information regarding public health protection, public security or environmental protection,-

Shall be punished with jail sentence of up to 3 years or forfeiture of the right to hold certain positions or to carry on a certain activity for a term up to 5 years.

Is to be punished with imprisonment for up to three years, or with depriving of the right to occupy certain functions or carry on a certain activity for a term up to five years.

**Article 181. Hindering of free exercise of electoral right or electoral bodies’ activity.**

Hindering, by use of any means, of free exercise of electoral right, as well as hindering of the activity of the electoral bodies, when:
   a) committed by blockage or attack of voting sections buildings by use of any means and in any form;
   b) committed by purloining of voting palls or electoral documents;
   c) committed by endangering person’s life;
d) caused gross bodily or health harm;

e) resulted in severe consequences,

Shall be punished with jail sentence of between 2 and 5 years.

**Article 182. Counterfeiting of voting results**

Counterfeiting by use of any means of voting results,

Shall be punished with a fine in amount of between 200 and 400 conventional units or jail sentence of up to 5 years.

**Article 183. Violation of labor protection regulations**

(1) The violation of regulations in regard to safety procedures, industrial sanitation or other labor protection regulations by a public person or by a person that runs a commercial, public enterprise or another non-governmental organization, if such a violation resulted in accidents involving people or other severe consequences,

Shall be punished with a fine in amount of 200 to 500 conventional units or by 100 to 200 hours of unpaid work for community benefit, or jail sentence of up to 2 years.

(2) The same action, that caused by negligence the death of a person,

Shall be punished with jail sentence of between 2 and 7 years with forfeiture of the right to hold certain positions or to exercise certain activity for a period of up to 3 years.

**Article 184. Violation of the right to freedom of assembly**

1) Violation of the right to freedom of assembly by illegal hindering of holding the meetings, demonstrations, marches, processions or any other type of assembly or participation of citizens to it or by coercion of citizens to participate:

   a) committed by a public person;

   b) committed by two or more people;

   c) accompanied by use of non-endangering the life and health of the person violence,

Shall be punished by a fine in the amount of 200 to 400 conventional units or by jail sentence of up to 2 years.

2) Same action:

   a) committed by use of weapons or other objects used as weapons or which had been specially adapted for inflicting of bodily harm;

   b) accompanied by endangering life and health violence;

   c) that resulted in the inflicting of large damages;

   d) that resulted in other severe consequences,

Shall be punished with jail sentence of between 3 and 8 years.

**Article 185. Assault on the person and on rights of citizens, under the form of performing religious rites**

(1) The organization, running or active participation in a group, whose activities are lead in form of preaching of religious beliefs and practicing of religious rites, involved either the inflicting of harm to the health of citizens or other assaults on the person or on his/her rights, or had been accompanied with instigation of citizens to refuse to participate in public life or to perform civic duties,
Chapter VI
CRIMES AGAINST PROPERTY

Article 186. Theft

(1) Theft, meaning the secretly misappropriation of other person’s goods,-

Shall be punished by a fine in the amount of up to 300 conventional units or by jail sentence of up to 3 years.

(2) Theft committed:

a) repeatedly;

b) by two or more persons;

c) with entry into the premises, into another storage area or into a residence;

e) by causing substantial material damages to the victim;

Shall be punished by a fine in the amount of 300 to 2000 conventional units or by jail sentence of between 2 and 7 years.

(3) Theft committed:

a) during calamities;

b) by an organized criminal group or criminal organization,-

Shall be punished by jail sentence of between 5 and 10 years with (or without) a fine in the amount of 1000 to conventional units.

(4) In paragraph (2) of articles 186-192, repeated crimes are considered to be the crimes committed by a person who prior committed one of the crimes provided by paragraph (1) of these articles, if not convicted for that crime.

Article 187. Robbery

(1) Robbery, meaning open misappropriation of other person’s goods,-

Shall be punished by a fine in the amount of 200 to 500 conventional units or by jail sentence of between 2 and 5 years.

(2) Robbery committed:

a) repeatedly;

b) by two or more persons;

c) by a person wearing a mask, disguised, or travestied;

d) through entry into the premises, another storage area or a residence;

e) by applying violence that had not endangered the life or health of the victim or threatening to use such violence;

f) which has resulted in substantial damages to the victim;
Shall be punished by jail sentence of between 4 and 10 years with a fine in the amount of 500 to 1000 conventional units or without such a fine.

(3) Robbery committed:

a) during a calamity;

b) by an organized criminal group or criminal organization,

Shall be punished by jail sentence of between 7 and 15 years with a fine in the amount of 1000 to 4000 conventional units or without such a fine.

Article 188. Burglary

(1) Burglary, meaning aggressive actions committed against a person for the purpose of taking possession of other person’s goods, accompanied by violence endangering the life or health of the aggressed person, or accompanied by threatening to use such a violence,

Shall be punished by jail sentence of between 3 and 8 years with a fine in the amount of 400 to 1000 conventional units or without such a fine.

(2) Burglary committed:

a) repeatedly;

b) by two or more persons;

c) by a person wearing a mask, disguised, or travestied;

d) involving entry into the premises, another storage area or a residence;

e) using weapons or other objects used as weapons;

f) which cause substantial damage;

Shall be punished by jail sentence of between 6 and 15 years with a fine in the amount of 500 to 1500 conventional units or without such a fine.

(3) Burglary committed:

a) during a calamity;

b) by an organized criminal group or a criminal organization;

c) inflicting of gross bodily harm or health damage;

d) by use of torture, inhuman or degrading treatment of the victim,

Shall be punished by jail sentence of between 10 and 20 years with a fine in the amount of 1000 to 5000 conventional units.

Article 189. Blackmail

(1) Blackmail, meaning the demand to transfer an owner’s, possessor’s or holder’s property or his/her right to this property or to accomplish another actions with an economic character threatening with violence against the victim, relatives or close persons, or threatening with disclosure of defaming information about these persons, or with destroying the fortune of the owner, possessor, holder or with kidnapping the owner, possessor, holder, of their relatives or close persons,
Shall be punished by a fine in the amount of 200 to 500 conventional units or jail sentence of up to 4 years.

(2) Blackmail committed:
   a) repeatedly;
   b) by two or more persons;
   c) using violence which does not endanger life or health;
   d) involving threat of murder;
   e) involving damage or destruction of goods,-

Shall be punished by a fine in the amount of 500 to 1000 conventional units or by jail sentence of between 3 and 7 years.

(3) Acts provided by paragraphs (1) or (2):
   a) committed by an organized criminal group or criminal organization;
   b) committed by use of weapons or other objects used as weapons;
   c) involving the use of violence endangering life and health;
   d) involving, torture, inhuman or degrading treatment;
   e) which resulted in other serious consequences,-

Shall be punished by jail sentence of between 7 and 15 years with a fine in the amount of 1000 to 2000 conventional units.

(4) Acts provided by paragraph (1), (2) or (3), involving the kidnapping of the owner, possessor or holder or of his relatives or close persons,-

Shall be punished by jail sentence of between 10 and 25 years with a fine in the amount of 3000 to 5000 conventional units.

**Article 190. Fraud**

(1) Fraud, meaning illegal taking into possession of other person’s goods by deception or the abuse of trust,-

Shall be punished by a fine in the amount of 200 to 500 conventional units or by jail sentence of up to 3 years.

(2) Fraud committed:
   a) repeatedly;
   b) by two or more persons;
   c) which results in substantial damages to the victim;
   c) by using official responsibilities,-

Shall be punished by a fine in the amount of 500 to 1000 conventional units or by jail sentence of between 3 and 7 years.

(3) Fraud committed by an organized group or criminal organization,
Shall be punished by jail sentence of between 5 and 10 years with a fine in the amount of 1000 to 3000 conventional units or without such a fine.

**Article 191. The embezzlement of other’s property**

(1) The embezzlement of property, meaning illegal taking into possession of other person’s goods entrusted into the administration of the guilty party,

Shall be punished by a fine in the amount of up to 500 conventional units or by jail sentence of up to 5 years, in both cases with forfeiture of the right to hold certain positions or to perform certain activity for a period of up to 3 years.

(2) The embezzlement of other’s property, committed:
   a) repeatedly;
   b) by a group of two or more persons;
   c) which results in substantial damages;
   d) by use of official responsibilities,

Shall be punished by a fine in the amount of 500 to 1000 conventional units or by jail sentence of between 4 and 7 years, in both cases with forfeiture of the right to hold certain positions or to perform certain activity for a period of between 2 and 5 years.

(3) The acts provided by paragraphs (1) or (2), when committed by an organized criminal group or a criminal organization,

Shall be punished by jail sentence of between 6 and 15 years with forfeiture of the right to hold certain positions or to perform certain activity for a period of 2 to 5 years.

**Article 192. Larceny from the person**

(1) Larceny from the person, meaning act committed for the purpose of taking into possession of other’s person goods from his/her pocket or from other objects owned by that person,

Shall be punished by a fine in the amount of 300 to 500 conventional units or by jail sentence of between 1 and 3 years.

(2) Larceny committed:
   a) repeatedly;
   b) by two or more persons,

Shall be punished by a jail sentence of between 2 and 5 years with a fine in the amount of 200 to 1000 conventional units.

**Article 193. Occupying the other’s real property**

(1) Occupying in part or entirely, without a right, other’s real property,

Shall be punished by a fine in the amount of 200 to 500 conventional units or by arrest of up to 6 months.

(2) The same action committed:
   a) by two or more persons
   b) involving moving or destroying signs of borders of other’s real property;
Article 194. The misappropriation or illicit use of electric power, thermal energy or gas

(1) The misappropriation or illicit use of electric power, thermal energy or gas by avoiding the system of evidence appropriately installed, or through these systems but deteriorated by the consumer, which caused significant damages,

Shall be punished by a fine in the amount of 500 to 1500 conventional units.

(2) The same actions that caused damages in especially large amounts,

Shall be punished by a fine of between 1000 and 3000 conventional units or by arrest of up to 6 months.

Article 195. The misappropriation of property on a large and especially large scale

(1) The misappropriation of goods on a large scale, regardless of the method of misappropriation (articles 186-192),

Shall be punished by jail sentence of 10 to 20 years with the forfeiture of the right to hold certain positions and to perform certain activities for a period of between 2 and 5 years or without such forfeiture.

(2) The misappropriation of goods on an especially large scale, regardless of the method of misappropriation (articles 186-192),

Shall be punished by jail sentence of 10 to 25 years with the forfeiture of the right to hold certain positions and to perform certain activities for a period of between 2 and 5 years.

Article 196. The inflicting of property damage through deception or abuse of trust

(1) The inflicting of material damage to an owner through deception or abuse of trust, if the act is not an misappropriation,

Shall be punished by a fine in the amount of up to 200 conventional units or by unpaid work for the community benefit for a period of 180 and 240 hours, in both cases with or without the forfeiture of the right to hold certain positions or to perform a certain activity for a term of 2 to 5 years.

(2) The same act committed:

a) repeatedly;

b) by two or more persons,

Shall be punished by a fine in the amount of 200 and 500 conventional units or by jail sentence for a period of up to 3 years.

(3) The actions envisaged by paragraphs (1) and (2) committed:

a) by an organized criminal group or a criminal organization;

b) in big amounts,

Shall be punished by a fine in the amount of 300 to 800 conventional units or by jail sentence of between 2 and 5 years.

(4) The actions envisaged by paragraphs (1), (2) or (3) committed on an especially large scale,

Shall be punished by a fine in the amount of between 500 and 1000 conventional units or by a jail sentence of between 3 and 6 years.
**Article 197. The deliberate destruction of or damage to goods**

(1) The deliberate destruction of or damage to goods, which caused damages on a large scale—shall be punished with a fine of up to 1000 conventional units or with arrest of up to 6 months.

(2) The same actions that resulted in:
   a) death of the person:
   b) other serious consequences,—shall be punished by jail sentence of between 5 an 15 years.

**Article 198. The destruction of or damage to goods by negligence**

(1) The destruction of or damage to goods by negligence that caused damages, on a large scale—shall be punished by a fine of up to 300 conventional units or by arrest of up to 3 months.

(3) The same actions that resulted in
   a) person’s death;
   b) other serious consequences,—shall be punished by a fine of up to 500 conventional units or jail sentence of up to 5 years.

**Article 199. Attaining or commercialization of the goods that are known of being criminally obtained**

(1) Attaining or commercialization, without previous authorization, of goods which are known of being criminally obtained,—shall be punished by a fine in the amount of between 200 and 400 conventional units or by unpaid work for the benefit of community for a period of 120 to 180 hours.

(2) The same actions committed:
   a) by two or more persons;
   b) as an occupation;
   c) on a large scale,

shall be punished by a fine in the amount of 300 to 600 conventional units or by jail sentence for up to 5 years.

(3) Actions provided by paragraph (1) or (2) committed on an especially large scale,—shall be punished by a fine of between 500 and 1000 conventional units or with jail sentence of between 3 and 7 years.

**Article 200. Criminal negligence in the protection of an owner’s property**

Criminal negligence in regard to own duties on the part of a person, charged with the protection of an owner’s property, resulting in the misappropriation, destruction, damage, loss or disappearance of such property on a large or especially large scale,—shall be punished by a fine in the amount of up to 500 conventional units or by jail sentence of up to 3 years.
Chapter VII
CRIMES AGAINST FAMILY AND JUVENILS

Article 201. Incest

Sexual relations or other sexual actions between direct relatives up to the third degree inclusively, as well as between relatives on a collateral line (brothers, sisters, and others), -

Shall be punished by jail sentence of up to 5 years.

Article 202. Evading to pay alimony or child support

The malicious avoidance to pay the funds for the support of minor children (children's alimony) established by a decision of the court, as well as malicious avoidance of the parents to support their adult children, inapt for work, who are on in their support, -

Shall be punished by a fine in the amount of 200 to 300 conventional units or by unpaid work for the community benefit of between 100 and 240 hours, or by imprisonment for a period of up to 2 years.

Article 203. Evading rendering material assistance to parents or a spouse

The malicious evading to render material assistance as established by the court’s decision to parents or a spouse who are inapt for work,-

Shall be punished by a fine in the amount of up to 200 conventional units or by unpaid work for the community benefit for a period of up to 180 hours.

Article 204. Disclosure of the secret of an adoption

(1) The disclosure of the adoption secret against the will of the adoptive parent,-

Shall be punished by a fine in the amount of 150 to 300 conventional units or by unpaid work for the community benefit for a period of 100 to 240 hours.

(2) The same act:

a) committed by a person who is obliged to keep the secret of adoption as a professional or job secret;

b) when it results in serious consequences,

Shall be punished by a fine in the amount of 200 to 500 conventional units or by imprisonment for a period of up to 3 years.

Article 205. Abuses by parents and other persons in the process of adoption

The receiving by a parent, guardian (trustee) or other legal protector of a child or by some other person of a compensation in any form for giving consent to adoption or for other purposes related to adoption,

Shall be punished by a fine in the amount of 150 to 400 conventional units or by imprisonment for a period of 1 to 3 years.

Article 206. Trafficking in children

(1) Recruitment, transportation, transfer, sheltering or reception of a child, or giving, receiving payments or benefits in order to obtain the consent of the person who is in control of the child for the purpose of:

a) commercial or non-commercial sexual exploitation, prostitution, use in the pornography industry;
b) forced labor or services exploitation;

c) slavery exploitation or in conditions similar to slavery, including illegal adoption;

d) using the child in armed conflicts;

e) using the child in criminal actions;

f) drawing of organs or tissues for transplant;

g) abandonment outside the country,

Shall be punished with a jail term of between 10 and 15 years.

(2) Same actions, accompanied by:

a) use of physical or psychical violence against the child;

b) subjecting the child to sexual abuse and commercial or non-commercial sexual exploitation;

c) use of torture, inhuman or degrading treatments in order to attain the child's subjection or by rape, by taking advantage of physical dependence of the child, using a weapon, threatening with divulgation of confidential information to the child's family or to other persons;

d) subjecting the child to slavery or similar to slavery conditions;

e) use of the child in armed conflicts;

f) drawing of organs or tissues for transplant,

Shall be punished with a jail term of between 15 and 20 years.

(3) Actions envisaged by paragraphs (1) and (2) of this article and:

a) committed repeatedly;

b) committed against two or more children;

c) committed by an organized criminal group or criminal organization;

d) resulted in child's death, serious bodily injury or mental illness,

Shall be punished with a jail term of between 20 and 25 years or life imprisonment.

4) the victim of trafficking in children shall be exempted from criminal liability for the offences committed by him/her in connection to this status provided that he/she accepts to cooperate with the law enforcement body on the relevant case.

(paragraph (4) adopted 29 May, 2003, date of entry into force June 13, 2003).

**Article 207. Illegal taking of children out of the country**

Taking a child out of the country using counterfeit documents or using any other illegal means, as well as their abandonment abroad, without the purposes provided by article 206 of the present Code,

Shall be punished by jail sentence of between 7 and 12 years.
Article 208. The involvement of minors into criminal activities or the persuasion of minors to commit immoral acts

(1) The involvement of minors into criminal activities or their instigation to commit crimes, as well as luring minors to commit immoral acts (begging, gambling, licentiousness etc.) committed by a person who reached the age of 18 years old,

Shall be punished by imprisonment for a period of up to 5 years.

(2) The same acts when committed by parents, teachers, or other legal protectors of the child,

Shall be punished by jail sentence of up to 6 years with or without forfeiture of the right to hold certain positions or to practice a certain activity for a term of up to 5 years.

(3) Acts set forth in paragraphs (1) or (2) of the present article, when committed:
   a) by using physical violence or threat to use such violence;
   b) by luring of minors into an organized criminal group or criminal association,

Shall be punished by jail sentence of between 5 and 10 years.

(4) Luring of minors into committing crimes provided in articles 173, 219 and 220,

Shall be punished by jail sentence of between 7 and 10 years.

Article 209. Luring of minors into illegal consumption of drugs, medicine or other substances with narcotic effect

(1) Luring of minors into illegal consumption of drugs, medicine or other substances with narcotic effect, made by a person who reached the age of 18 years old,

Shall be punished by a fine in the amount of 200 to 600 conventional units or by jail sentence of up to 5 years.

(2) The same act committed:
   a) repeatedly;
   b) by use of physical force or threat of using such force,

Shall be punished by a fine in the amount of 400 to 800 conventional units or by jail sentence of between 3 and 6 years.

Article 210. The involvement of minors into military actions or propagating war among them

The involvement of minors into military actions and propagating war among them,

Shall be punished by a fine in the amount of 200 to 600 conventional units or by jail sentence of between 2 and 5 years.

Chapter VIII

CRIMES AGAINST PUBLIC HEALTH AND SOCIAL LIVING

Article 211. Contaminating with a venereal disease

(1) Knowingly contaminating a person with venereal disease by the diseased person, -

Shall be punished by jail sentence of up to 3 years.
(2) The same actions, when committed:
   a) repeatedly;
   b) against two or more people;
   c) knowingly against a minor,

   Shall be punished by jail sentence of between 3 and 5 years.

**Article 212. Contaminating with AIDS**

(1) Deliberate placing another person into the danger of being contaminated with AIDS,

   Shall be punished by jail sentence of up to 3 years.

(2) Knowingly contaminating another person with AIDS by the diseased person,

   Shall be punished by jail sentence of between 3 and 5 years.

(3) Acts envisaged by paragraph (2) when committed:
   a) against two or more persons;
   b) knowingly against a minor,

   Shall be punished by jail sentence of between 5 and 8 years.

(4) Contaminating another person with AIDS as a result of non-fulfillment or inadequate fulfillment of the professional obligations by a medical worker,

   Shall be punished by jail sentence of up to 5 with or without the forfeiture of the right to hold certain positions or to practice a certain activity for a term of up to 3 years.

**Article 213. Violation of medical assistance regulations and methods by negligence**

Violation of the rules or methods for providing legal assistance by negligence, when it resulted in:

   a) serious bodily of health harm;
   b) death of the patient,

   Shall be punished by jail sentence of up to 5 years with or without the forfeiture of the right to practice certain activities or hold certain positions for a period of between 2 and 5 years.

**Article 214. The illegal practice of medicine or pharmaceutical activity**

(1) Practicing of medicine as a profession or of pharmaceutical activity by a person without a license or another authorization, if this activity resulted in health damage to a person by negligence,

   Shall be punished by a fine in the amount of 200 to 500 conventional units or by jail sentence of up to 2 years.

(2) The same acts, when resulted in the death of the victim by negligence,

   Shall be punished by jail sentence of up to 2 years.

**Article 215. Spreading of epidemical diseases**
Violation by a medical worker of the measures for prevention or combating of epidemical diseases, when resulted in:

a) spreading of such disease;

b) other serious consequences,

shall be punished by a fine in the amount of 200 to 400 conventional units or by jail sentence of up to 2 years.

Article 216. The fabrication (counterfeiting), transportation, storage or sale of products (goods) which endanger the life or health of consumers

The fabrication (counterfeiting), transportation, storage or sale of products (goods) which endanger the life and health of the consumer, when resulted in:

a) serious diseases;

b) death of the person;

shall be punished by a fine in the amount of 300 to 1000 conventional units or by jail sentence of between 3 and 7 years.

Article 217. Illegal circulation of narcotic and psychotropic substances or precursors.

(1) Any illegal activity regarding the circulation of narcotic or psychotropic substances, namely the cultivation of plants that contain narcotic or psychotropic substances, processing or use of such a plant, creating, production, manufacturing, extracting, processing, detaining, storage, giving, commercialization, distributing, buying, delivering, expedition, import, export or destroying narcotic or psychotropic substances, as well as of precursors, subjected to the control according to legislation, as well as consuming or organization of the consumption of such substances without authorization,

shall be punished with fine in the amount of 400 to 700 conventional units or by jail sentence of between 2 and 5 years.

(2) The same acts, when committed:

a) repeatedly;

b) by two or more people;

c) by use of narcotic or psychotropic substances which seriously endanger human health,

shall be punished by jail sentence of between 5 and 8 years.

(3) Acts, set forth in paragraphs (1) or (2), when committed:

a) by an organized criminal group or criminal organization;

b) on a large scale,

shall be punished by jail sentence of between 8 and 12 years.

(4) A person who voluntarily hands over the narcotic or psychotropic substances or precursors is exempted from criminal liability for the illegal activity regarding the circulation of these substances.

Article 218. The illegal prescription of narcotic or psychotropic substances

(1) Prescribing by the doctor, when it is not necessary, of narcotic or psychotropic substances,

shall be punished by a fine in the amount of 200 to 800 conventional units or by jail sentence of between 2 and 5 years,
in both cases with (or without) the forfeiture of the right to practice certain activities or hold certain positions for a period of up to 5 years.

(2) The forgery of the recipe or other documents that allow obtaining narcotic or psychotropic substances and medicine, Shall be punished by fine in the amount of up to 400 conventional units or by jail sentence of up to 3 years.

(3) The acts set forth in paragraphs (1) or (2), when committed:
    a) repeatedly;
    b) by two or more persons;
    c) for the purpose of obtaining the above mentioned substances in large proportions,

Shall be punished by jail sentence of between 3 and 8 years with the forfeiture of the right to practice certain activities or hold certain positions for a period of up to 5 years or without such forfeiture.

**Article 219. The organization or maintaining of dens for the consumption of narcotic or psychotropic substances**

(1) The organization and maintaining of dens for the consumption of narcotic or psychotropic substances or the supplying of premises for such purposes,

Shall be punished by a fine in the amount of 200 to 800 conventional units or by jail sentence of between imprisonment for a period of up to 4 years.

(2) The same acts, committed by an organized criminal group or by a criminal organization,

Shall be punished by a fine in the amount of 500 to 1000 conventional units or by imprisonment for a period of 3 to 7 years.

**Article 220. Pimping**

(1) Encouraging or forcing to prostitution or advantaging of practicing the prostitution, or making profits out of practicing prostitution by a person, as well as recruiting a person for prostitution,

Shall be punished by fine in the amount of 200 to 800 conventional units or by jail sentence of between 2 and 5 years.

(2) The same acts:
    a) committed in regards to a minor;
    b) committed by an organized criminal group or a criminal organization;
    c) that resulted in serious consequences,

Shall be punished by jail sentence of between 4 and 7 years.

**Article 221. The deliberate destruction or damaging of historical and cultural monuments**

The deliberate destruction or damaging of historical and cultural monuments or natural objects under the protection of the state,

Shall be punished by a fine in the amount of 500 to 3000 conventional units or with arrest of up to 6 months.

**Article 222. The profanation of a grave**
(1) The profanation through any means of a grave, of a monument or funeral urn or of a corpse, as well as the appropriation of objects located in or on the grave,-

Shall be punished with a fine of up to 300 conventional units or with unpaid work of 180 to 240 hours for the benefit of community, or with imprisonment for up to 2 years.

(2) The same actions committed:

   a) by two or more persons;

   b) out of social, national, ethnic or religious hatred or enmity,

Shall be punished by fine in the amount of between 400 to 600 conventional units or by jail of between 2 and 5 years.

Chapter IX

ENVIRONMENTAL CRIMES

Article 223. Violation of the environmental security requirements

Violation of the environmental security requirements while planning, placement, construction, putting into operation and operation of industrial construction, agricultural, scientific or other projects, committed by persons responsible for respecting those requirements, if this action caused:

   a) a major change on the radioactive fund;

   b) damage to the health of the population;

   c) mass animal slaughter;

   d) other serious consequences,

Shall be punished by a fine in the amount of 300 to 600 conventional units or with imprisonment for a period of between 2 and 5 years, in both cases with (or without) the forfeiture of the right to hold certain official positions or to practice a certain activity for a term of up to 5 years.

Article 224. Violation of the rule of circulation of toxic, radioactive and bacteriological materials

(1) Illegal activities or violation of established rules on fabrication, import, export, bury, storage, transportation and use of radioactive, bacteriological and toxic substances, materials and waste, of pesticides, herbicides and other chemical materials, if they cause real danger to provoke an essential damage to the health of the population or to environment,

Shall be punished by a fine in the amount of 200 to 600 conventional units or by jail sentence of up to 3 years.

(2) The same actions:

   a) committed repeatedly;

   b) committed in an area with an exceptional environmental situation, or in a natural calamity area;

   d) that caused pollution, poisoning or infection of the environment;

   e) that caused mass death of the animals,

Shall be punished by a fine in the amount of 300 to 800 conventional units or by jail sentence of between 2 and 5 years.

(3) Acts set forth in paragraphs (1) or (2), that caused by negligence:
a) mass sickening of the people;

b) human death,

Shall be punished by imprisonment for a period of 5 to 10 years.

(4) Actions envisaged by paragraphs (1), (2) or (3) that caused the death of two or more persons,

Shall be punished with imprisonment of between 5 and 15 years.

Article 225. Concealment or deliberate presentation of unauthentic data regarding pollution of the environment

(1) Concealment or deliberate presentation of incorrect data by an official person or a person that administers a commercial, public or another non-governmental organization regarding accidents with excessive pollution of the environment, or radioactive, chemical, bacteriological pollution or other dangerous consequences for life and health of the population, as well as data regarding the health of the population, affected by the pollution of the environment, which caused by negligence:

a) mass sicknesses of people;

b) mass death of animals;

c) death of the person;

d) other serious consequences,

Shall be punished by a fine in the amount of 300 to 800 conventional units or by jail sentence of between 3 and 7 years, in both cases - with the forfeiture of the right to hold certain positions or to practice certain activities for a period of 2 to 5 years.

(2) The same actions that caused the death of two or more persons,

Shall be punished with jail sentence of between 5 and 10 years.

Article 226. Non-fulfillment of obligations regarding elimination of consequences of environmental violations

(1) Avoiding or inaccurate fulfillment by an official person or a person that administers a commercial, public or another non-governmental organization of the obligations regarding the elimination of consequences of the environmental violations, if they caused by negligence:

a) mass sicknesses of people;

b) mass death of animals;

c) death of the person;

d) other serious consequences,

Shall be punished by a fine in the amount of 200 to 500 conventional units or by imprisonment for a period of 2 to 5 years, in both cases with the forfeiture of the right to hold certain positions or to practice certain activities for a period of 2 to 5 years.

(2) The same actions that resulted in the death of two or more persons,

Shall be punished with jail sentence of between 3 and 7 years.

Article 227. Soil pollution
(1) Pollution, poisoning, contaminating or any other deg radiation to the soil with dangerous economical products or resulted from other activities, as a consequence of the violation of the operating rules with noxious products, mineral fertilizers, incentives for plants’ growth and other noxious chemical or biological products during transportation, utilization or storage, if they caused damages to:

a) health of the population;

b) environment;

c) agricultural production,

Shall be punished by a fine in the amount of 200 to 500 conventional units or by jail sentence of up to 2 years.

(2) The same actions:

a) committed in an area with exceptional environmental situation or in a natural calamity area;

b) that resulted in death of the person by negligence,

Shall be punished by a fine in the amount of 300 to 800 conventional units or by imprisonment for a period of 2 to 5 years.

Article 228. Violation of soil protection requirements

Violation of protection requirements for mineral deposits or other soil resources, unauthorized construction or placement of toxic waste on land with mineral resources, unauthorized dumping of noxious substances into the soil, when causing:

a) large landslide or land collapse;

b) pollution of underground waters that represents a real danger to health of the population;

c) death of a person by negligence;

d) other heinous consequences;

Shall be punished by a fine in the amount of 300 to 800 conventional units or by jail sentence of between 2 and 5 years.

Article 229. Water pollution

Infecting or other contamination of surface or underground waters with used waters or waste from industrial, agricultural, community and other organizations, enterprises, institutions, when it caused considerable damage to animal and vegetable world, to fish resources, or to the forest or agricultural units, to the health of the population, or if caused death of a person,

Shall be punished with a fine in the amount of between 300 and 800 conventional units or with imprisonment for a period of 2 to 5 years.

Article 230. Air pollution

Pollution of the air by exceeding the established norms as a result of dumping into the atmosphere of dangerous substances or of violating the norms for exploitation of, or by failure to use the equipment, devices, installations that serve for the purification and control of the emissions into atmosphere, if they caused considerable damages to the environment, animal and vegetable world, to the health of population, or if caused the death of a person,

Shall be punished by a fine in the amount of 300 to 800 conventional units or with imprisonment for a period of 2 to 5 years.

Article 231. Illegal clearing of forest vegetation
The illegal clearing of trees and bushes from the forest fund, or of trees from natural areas protected by state, committed:

a) by persons responsible for the protection of forest vegetation;

b) on a large scale,-

Shall be punished with fine of 500 to 1000 conventional units or by jail sentence of between 4 and 7 years.

**Article 232. The destruction of or damage to large forest tracts**

(1) The destruction of or damage on a large scale to large forest tracts by negligent use of fire or of other source of high danger,-

Shall be punished by a fine in the amount of 200 to 600 conventional units or with jail sentence of up to 3 years.

(2) The deliberate destruction of or substantial damage to large forest tracts by setting on fire,

Shall be punished by a fine of between 300 and 1000 conventional units or by jail sentence of between 3 and 7 years.

**Article 233. Illegal hunting**

Hunting without the appropriate authorization during a forbidden period of time or in forbidden areas, either with forbidden weapons or by forbidden methods (poaching), or by using job responsibilities, which caused damages on a large scale,-

Shall be punished by a fine in the amount of between 200 and 500 conventional units or by jail sentence of up to 3 years.

**Article 234. Illegal fishing, hunting or other water exploitation**

(1) Practice of fishing, hunting or other water exploitation using explosive or poisoning substances or by other means of mass destruction, which caused damages on a large scale,-

Shall be punished by a fine of 200 to 700 conventional units or by jail sentence of between 2 and 5 years.

**Article 235. Violation of the regime of protection and administration of natural areas protected by the state**

Violating the regime of administration and protection of natural areas protected by the state, if this action creates a real danger of causing damages on a large scale, or caused damages on a large scale,-

Shall be punished by a fine in the amount of 500 to 1000 conventional units or by jail sentence of between 3 and 7 years, in both cases with the forfeiture of the right to hold certain positions or to practice certain activities for a period of between 3 and 5 years or without such forfeiture.

**Chapter X**

**ECONOMIC CRIMES**

**Article 236. The manufacturing or bringing into circulation of counterfeited money and securities**

(1) The manufacturing or bringing into circulation of the false notes of the National Bank of the Republic Moldova, coins, foreign currency, state securities, as well as of other valuable bills for payments,-

Shall be punished by jail sentence of between 7 and 15 years.

(2) The same actions committed:
a) repeatedly;

b) by an organized criminal group or criminal organization;

c) on a large scale,

Shall be punished by jail sentence of between 10 and 20 years.

Article 237. Fabrication or distribution of cards or other false pay checks

(1) Fabrication for the purpose of bringing into circulation or bringing into circulation of the false credit cards or other false pay checks, that are not state currency or securities, but which confirm, establish or offer property rights and obligations,

Shall be punished by a fine in the amount of 200 to 700 conventional units or by jail sentence of between 2 and 5 years.

(2) The same acts committed:

a) repeatedly;

b) by a civil servant or other employee while carrying out the official responsibilities;

c) by an organized criminal group or a criminal organization;

d) on a large scale;

Shall be punished by jail sentence of between 5 and 10 years.

Article 238. Obtaining a credit by fraud

Knowingly supply of false information with the purpose of obtaining a credit or increasing the amount of the credit, or obtaining a credit under profitable conditions,

Shall be punished by a fine in the amount of 1500 to 3000 conventional units or by jail sentence of between 6 and 12 years.

Article 239. Violation of crediting regulations

(1) Giving a credit with deliberate violation of crediting regulations, if this caused damages on a large scale to the financial institution,

Shall be punished by a fine in the amount of 300 to 800 conventional units or by jail sentence of between 3 and 7 years, in both cases with the forfeiture of the right to hold certain positions or to practice certain activities for a period of up to 5 years.

(2) The same action that:

a) caused damages on an especially large scale to the financial institution;

b) caused the insolvency of the financial institution,

Shall be punished by jail sentence of between 7 and 12 years with the forfeiture of the right to hold certain positions or to practice certain activities for a period of up to 5 years.

Article 240. Use of means of the internal or external loans guaranteed by state contrary to the intended purpose

(1) Use of the means of the internal or external loans guaranteed by state contrary to the intended purpose, if this caused damages on a large scale,
Shall be punished by a fine in the amount of 150 to 300 conventional units or by jail sentence of up to 2 years.

(2) The same action:
   a) committed repeatedly;
   b) committed by two or more persons;
   c) that caused damages on an especially large scale,

Shall be punished by a fine in the amount of 300 to 700 conventional units or by jail sentence of between 2 and 5 years.

**Article 241. Illegal practice of entrepreneurial activities**

(1) Illegal practice of entrepreneurial activities, which resulted in obtaining profit on a large scale,

Shall be punished by a fine in the amount of up to 500 conventional units or by 200 hours of unpaid work for the community benefit.

(2) The same act committed:
   a) repeatedly;
   b) by two or more persons;
   c) by use of official responsibilities;
   d) by an organized criminal group or criminal organization;
   e) on an especially large scale;
   f) accompanied by appropriation of a exceptionally large profit;

Shall be punished by a fine in the amount of 500 to 1000 conventional units or by jail sentence of up to 2 years.

**Article 242. Pseudo-entrepreneurship**

Pseudo-entrepreneurship, meaning creating enterprises without the intention to perform any economic or banking activity for covering illicit types of business activities, if this caused damages on a large scale,

Shall be punished by a fine in the amount of 200 to 500 conventional units or by jail sentence of up to 3 years.

**Article 243. Money laundering**

(1) Performing legal operations with money or other goods, knowingly obtained illegally,

Shall be punished by a fine in the amount of 500 to 1000 conventional units or by jail sentence of up to 5 years, in both cases with or without the forfeiture of the right to hold certain positions or to practice certain activities for a period of 2 to 5 years.

(2) The same action, committed:
   a) repeatedly;
   b) by two or more persons;
   c) by use of official responsibilities,
Shall be punished by a fine in the amount of 1000 to 5000 conventional units or by jail sentence of between 4 and 7 years.

(3) Actions set forth in paragraphs (1) or (2), committed:

a) by an organized criminal group or a criminal association;

b) on a large scale,

Shall be punished by jail sentence of between 5 and 10 years.

Article 244. Tax dodging of enterprises, institutions and organizations

(1) Tax dodging of enterprises, institutions and organizations by the inclusion of obviously distorted information on revenues or expenses into accounting documents, or by concealment of other objects of taxation, if the value of the concealed tax is more than 500 conventional units,

Shall be punished by a fine in the amount of up to 500 conventional units or by jail sentence of up to 2 years.

(2) The same action committed repeatedly,

Shall be punished by a fine in the amount of up to 1000 conventional units or by jail sentence of up to 3 years, in both cases with the forfeiture of the right to hold certain positions or to practice certain activities for a period of up to 3 years.

Article 245. Abuses in securities’ emission

(1) Inclusion in the emission plan or other documents based on which the emission of securities is registered of information that is not authentic or that can lead to mistakes; approval of a emission plan that includes intended not authentic information or that can lead to mistakes, as well as approval of obviously not authentic results of emission, if these actions caused damages on a large scale,

Shall be punished by a fine in the amount of 300 to 800 conventional units or jail sentence of between 2 and 5 years, in both cases with or without the forfeiture of the right to hold certain positions or to practice certain activities for a period of up to 5 years.

(2) The same actions:

a) when committed repeatedly;

b) committed by two or more persons;

c) that caused damages on an especially large scale,

Shall be punished by a fine in the amount of 500 to 1000 conventional units or jail sentence of between 3 and 7 years, in both cases with or without the forfeiture of the right to hold certain positions or to practice certain activities for a period of up to 5 years.

Article 246. Limitation of competition

Limitation of free competition by concluding an illegal agreement, oriented at the division of the market, limitation of the access to market, elimination of other economic subjects, raising or maintaining the same prices, by use of violence,

Shall be punished by a fine in the amount of 200 to 600 conventional units or jail sentence of between 2 and 5 years.

Article 247. Forcing to sign a transaction or to refuse to sign it

(1) Forcing to sign a transaction or to refuse to sign it, accompanied with threatening to apply violence, to destroy or damage goods, to spread information which would cause considerable damage to the legitimate interests or rights of the damaged party or his/her close relatives, when there are no elements of blackmail,
Shall be punished by a fine in the amount of up to 300 conventional units or by jail sentence of up to 2 years.

(2) The same action committed:
   
   a) repeatedly;
   
   b) by applying violence;
   
   c) by an organized criminal group or a criminal organization;

Shall be punished by a fine in the amount of 500 to 1000 conventional units or by jail sentence of between 3 and 7 years.

**Article 248. Smuggling**

(1) Passing of goods, objects or other valuable across the custom border of the Republic of Moldova on a large scale, avoiding the customs inspection or concealing them from customs inspection by hiding goods in special storage places, prepared or adapted for the purpose of hiding, or through fraudulent use of documents or means for customs identification, or associated with failure to declare or with a not authentic declaration in customs documents or other documents for crossing the border,

Shall be punished with a fine in the amount of 150 to 300 conventional units or by jail sentence of up to 2 years

(2) Passing of narcotic, psychotropic, strong effect, toxic, poisonous, radioactive and explosive substances or noxious waste over the customs border of the Republic of Moldova, avoiding customs inspection or concealing them from inspection by hiding the objects into special storage places, prepared or adapted for the purpose of hiding, or through fraudulent use of documents or means for customs identification, or associated with failure to declare or with a not authentic declaration in customs documents or other documents for passing the border,

Shall be punished by a fine in the amount of 200 to 600 conventional units or by jail sentence of between 2 and 5 years.

(3) Passing of weapons, explosive devices, firearms and ammunitions across the customs border of the Republic of Moldova, avoiding customs inspection or concealing them from inspection by hiding the objects in special storage places, prepared or adapted for the purpose of hiding, or through fraudulent use of documents or means for customs identification, or associated with failure to declare or with a not authentic declaration within the customs documents or other documents for passing the border,

Shall be punished by a fine in the amount of 300 to 800 conventional units or by jail sentence of between 4 and 6 years.

(4) Passing of cultural values across the customs border of the Republic of Moldova, avoiding customs inspection or concealing them from inspection by hiding the objects into special storage places, prepared or adapted for the purpose of hiding, or the failure to bring back into the customs territory of the Republic of Moldova the cultural values which have been taken abroad the country when their return is mandatory,

Shall be punished by jail sentence of between 3 and 8 years.

(4) Actions provided by paragraphs (1), (2), (3) or (4), when committed:

   a) repeatedly;
   
   b) by two or more persons;
   
   c) by an official person, using the official responsibilities;
   
   d) on an especially large scale;

Shall be punished by jail sentence of between 3 and 10 years.

(6) Bringing, without declaration, into the custom territory of the Republic of Moldova of money, merchandise, objects and values within the limits established by the legislation in force, is not considered to be smuggling.
Article 249. Evading customs payments

(1) Evading customs payments on a large scale,-

Shall be punished by a fine in the amount of up to 300 conventional units or by 120 to 180 hours of unpaid work for the community benefit.

(2)The same act, committed:

   a) repeatedly;

   b) by two or more persons,-

Shall be punished by a fine in the amount of 300 to 500 conventional units or by jail sentence of up to 2 years.

(3) Actions provided by paragraphs (1), (2) or (3), committed on an exceptionally large scale,

Shall be punished by a fine in the amount of 500 to 1000 conventional units or by jail sentence of between 3 and 5 years.

Article 250. Transportation, storage or selling of excised goods, without marking them with control or excise stamps

(1) Transportation, storage or selling on a large scale of excised goods, without marking them with control or excise stamps of established model, when caused damages exceeding five hundred conventional units,-

Shall be punished by a fine in the amount of up to 300 conventional units or by jail sentence of up to 2 years.

(2) The same actions:

   a) accompanied with marking with stamps other than those of established pattern;

   b) when caused damages that exceed one thousand conventional units,

Shall be punished by a fine in the amount of 300 to 600 conventional units or by jail sentence of between 2 and 5 years.

Article 251. Appropriation, alienation, substitution or concealment of pledged, sequestrated or confiscated goods

Appropriation, alienation, substitution or concealment of pledged, confiscated or sequestrated goods or their use for other purposes, committed by a person to whom these goods were entrusted or who was obliged according to the law, to assure their integrity,-

Shall be punished by a fine in the amount of 1000 to 1500 conventional units or by jail sentence of between 3 and 7 years.

Article 252. Deliberate bankruptcy

(1) Deliberate bankruptcy, which caused damage on a large scale to the creditor,

Shall be punished by a fine in the amount of 300 to 600 conventional units or by jail sentence of up to 3 years.

(2) The same actions, committed:

   a) by two or more people;

   b) that caused damages on an especially large scale to the creditor,
Article 253. Fictitious bankruptcy

(1) Fictitious bankruptcy that caused damages on a large scale to the creditor,

Shall be punished by a fine in the amount of 300 to 600 conventional units or by jail sentence of up to 3 years.

(2) The same act committed:
   a) by two or more persons;
   b) which caused damages on an exceptionally large scale,

Shall be punished by a fine in the amount of 500 to 1000 conventional units or by jail sentence of between 2 and 5 years.

Article 254. Sale of low quality or inadequate to standards merchandise

Deliberate sale of low quality or inadequate to standards merchandise, if these caused serious illness or death of a person,

Shall be punished by jail sentence of up to 3 years.

Article 255. Deceiving of customers

(1) The exceeding of established retail prices, as well as of the prices and rates for social and public utility services provided to the public, deceiving at calculation or other misleading committed in substantial or considerable proportions,

Shall be punished by a fine in the amount of up to 300 conventional units or by 100 to 240 hours of unpaid labor for the community benefit, in both cases with (or without) the forfeiture of the right to hold certain positions or to practice certain activities for a period of 2 to 5 years.

(2) The same actions, committed:
   a) repeatedly;
   b) by two or more persons;
   c) on a large scale,

Shall be punished by a fine in the amount of 200 to 600 conventional units or by jail sentence of between 2 and 5 years, in both cases with (or without) the forfeiture of the right to hold certain positions or to practice certain activities for a period of 2 to 5 years.

Article 256. Receiving of illicit remuneration from citizens for the performance of works related to providing services to people

(1) Receiving by an worker of an enterprise, institution or organization who is not an official person, by extortion, of an illicit payment from a citizen for the performance of works, for providing services in the area of trade, public nutrition, social services, public utility, medical services, transportation or other public services, included in the range of official duties of the worker in question,

Shall be punished by a fine in the amount of up to 200 conventional units or by 120 to 180 of hours of unpaid work for the community benefit.

(2) The same acts, when committed:
a) repeatedly;

b) on a large scale;

c) by two or more persons;

Shall be punished by a fine in the amount of 200 to 400 conventional units or by jail sentence of up to 2 years.

**Article 257. Building low quality constructions**

(1) The turnkey delivery of houses, of industrial, transportation or power constructions or of other constructions of low quality, unfinished or inadequate to the conditions of the contract and plan, committed by the leaders of the construction organizations, supervisors of carrier works or officials who are responsible for the monitoring of the quality of constructions,

Shall be punished by a fine in the amount of up to 500 conventional units or by jail sentence of up to 5 years, in both cases with the forfeiture of the right to hold certain positions or to practice certain activities for a period of 2 to 5 years.

(2) The carrying on, by responsible persons, of the inadequately executed works which had been suspended by inspection documents, when these works can affect the resistance and stability of the construction,

Shall be punished by a fine in the amount of up to 200 conventional units.

(3) The planning, inspection, review and construction by the responsible persons of a town-planning complex or of a construction, or the performance of modifications to such a structure without adherence to the regulatory documents regarding the safety, strength and stability, resulting in:

a) inflicting of gross bodily harm or health harm on a person or the loss of the ability to work by a person;

b) complete or partial destruction of the structure;

c) destruction or degradation of important units or equipment;

d) damages on a large scale,

Shall be punished by fine in the amount of 200 to 600 conventional units or by jail sentence of between 2 and 5 years.

(4) The acts set forth in paragraph (3), when they resulted in the death of a person,

Shall be punished by jail sentence of between 5 and 10 years.

**Article 258. Violation of the rules for exploitation, repairing or modifications of dwellings from an inhabited building**

Violation of the rules for exploitation, repairing or modification of the dwellings placed in an inhabited building, as well as of internal communications, which endangers the structural integrity of a block or the dwellings of other owners or leaseholders or which worsen the living condition of dwellings,

Shall be punished with a fine of 150 to 500 conventional units or with imprisonment for an up to 2 years period.

**Chapter XI**

**CRIMES IN INFORMATICS**

**Article 259. Illegal access to the competition information**

Illegal access to the computerized information, namely to the information stored in computers, on the material supports of information, on informational system or network, if this access is accompanied by deterioration, modification, shutting of, or copying of the information, or by disturbing the work of computers, of system or of computer’s network,
Shall be punished with a fine in amount of 200 to 500 conventional units or with imprisonment for a period of up to 2 years.

**Article 260. Introduction or spreading of virus programs**

(1) Knowingly introducing into the computer programs of modifications with a virus character or spreading of computer programs that deteriorate the material supports of information, data processing equipment or violates the protection system,

Shall be punished by a fine in the amount of 300 to 800 conventional units or by jail sentence of between 2 and 5 years.

(2) Spreading of virus programs for computers that caused serious consequences,

Shall be punished by jail sentence of between 4 and 8 years.

**Article 261. Violation of the security rules of the information systems**

Violation, by the person in charge, of the rules for collection, processing, storage, distribution and repartition of information or of the rules for protection of the information system, provided by the statute of the information or of its protection, if this action contributed to the theft, errors, destruction of the information or resulted in other serious consequences,-

Shall be punished by a fine in the amount of up to 400 conventional units or with 200 to 240 hours of unpaid work for the community benefit, or with imprisonment for a period of up to 2 years, in all cases with (or without) the forfeiture of the right to hold certain positions or to practice certain activities for a period of 2 to 5 years.

**Chapter XII**

**CRIMES IN TRANSPORTATION**

**Article 262. Violation of flight rules**

Entry, exit or transit, by way of air, across the territory of the Republic of Moldova without the established authorization, violations of flight passages indicated in authorization, violation of landing sites, of entrance places or of flight altitude without the authorization of competent bodies, or other violation of rules regarding operation of flights in the air space of the Republic of Moldova,-

Shall be punished by a fine in the amount of between 300 and 800 conventional units or by a jail sentence of between 2 and 5 years.

**Article 263. The violation of rules for security and operation of railway, naval or air transport**

(1) Violation of rules for the security of traffic and for transport's operation by a worker in railway, naval or air transportation, which caused by negligence a serious or medium harm to bodily integrity or health harm, or material damages on a large scale, -

Shall be punished by a fine in the amount of 300 to 1000 conventional units or by jail term of between 3 and 7 years, in both cases with (or without) the forfeiture of the right to drive a transportation vehicle for a period of up to 2 years.

(2) The same actions, when they caused:

   a) death of a person;

   b) other serious consequences,

Shall be punished with a jail sentence of between 5 and 15 years with the forfeiture of the right to operate a transportation vehicle for a period of up to 5 years or without such forfeiture.

**Article 264. Violation of the rules for traffic security or for operation of the transportation vehicle by persons who drive the transportation vehicles**
(1) The violation of rules for traffic security or for operation of the transportation vehicle by the persons who drive the transportation vehicles, which caused by negligence a medium bodily or health harm to the victim, or material damages on a large scale,

Shall be punished by a fine in the amount of up to 300 conventional units or by arrest for a period of 4 to 6 months, or by imprisonment for a period of up to 3 years, in all cases with the forfeiture of the right to operate a transportation vehicle for a period of up to 2 years or without such forfeiture.

(2) The same action, when committed in a state of intoxication,

Shall be punished by a fine in the amount of 300 to 600 conventional units or by imprisonment for a period of up to 4 years, in all cases with the forfeiture of the right to operate a transportation vehicle for a period of up to 3 years.

(3) The action set forth in paragraph (1), if it caused:
   a) gross bodily or health harm by negligence;
   b) death of a person by negligence,

Shall be punished by imprisonment for a period of 3 to 7 years with the forfeiture of the right to operate a transportation vehicle for a period of up to 4 years.

(4) The action set forth in paragraph (3), when committed in a state of intoxication,

Shall be punished by jail sentence of 5 to 10 years with the forfeiture of the right to operate a transportation vehicle for a period of up to 5 years.

(5) The action set forth in paragraph (1), resulting in the deaths of two or more persons by negligence,

Shall be punished by jail sentence of between 6 and 12 years with the forfeiture of the right to operate a transportation vehicle for a period of up to 5 years.

(6) The act set forth in paragraph (5), when committed in a state of intoxication,

Shall be punished by jail sentence of between 5 and 15 years with the forfeiture of the right to operate a transportation vehicle for a period of up to 5 years.

Article 265. Setting into operation of evidently technically defective transportation vehicles

Knowingly setting into operation of transportation vehicles which are obviously technically defective, or other gross violation of operation regulations that ensures traffic safety, committed by a person in charge with the technical condition or for the operation of the transportation vehicles, as well as the violation by official person or a person that administrates a commercial, public or another non-governmental organization of the working regime of drivers or machine operators, when these actions resulted in consequences provided by article 264,

Shall be punished by a fine in the amount of 200 to 700 conventional units or by jail sentence for a period of up to 5 years, in both cases with or without the forfeiture of the right to hold positions involving responsibility for the technical condition or operation of transportation vehicles for a period of between 2 and 5 years.

Article 266. Abandoning the place of traffic accident

Abandoning the place of the traffic accident by the person driving the transportation vehicle and who violated the traffic safety regulations or the regulations for operation of the transportation vehicle, when it resulted in consequences provided by paragraphs (3) and (5) of article 264,

Shall be punished by a fine in the amount of 200 to 500 conventional units or by jail sentence of up to 2 years.

Article 267. Low quality repair of the ways of communication, railway, naval or air transports or their setting into operation with technical defects
Low quality repair of the ways of communication, of their installations, of rolling stock, of telecommunication or signal means, or of railway, naval and air transport, or of other transports, as well as setting into operation of these transports with technical flaws or gross violation of operating regulations, committed by a person responsible for their technical condition or operation, if these acts resulted in the consequences provided by article 263,

Shall be punished by a fine in the amount of 300 to 800 conventional units or by jail sentence of 3 to 7 years, in both cases with (or without) the forfeiture of the right to hold certain positions for a period of up to 5 years.

**Article 268. Deliberate damage or destruction of ways of communication and of transportation vehicles**

The deliberate destruction of or damage to the ways of communication, their installations, of rolling stock, of telecommunication or signaling means, or of other transportation equipment, as well as of other transportation vehicles, when these acts resulted in consequences provided by articles 263 or 264,

Shall be punished by a fine in the amount of 200 to 1000 conventional units or by jail sentence of between 3 and 7 years.

**Article 269. The violation of regulations regarding maintenance of the order and security of traffic**

The violation of regulations regarding the maintenance of order and security of traffic, which resulted in consequences provided by article 264,

Shall be punished by a fine in the amount of 300 to 800 conventional units or by imprisonment for a period of 2 to 6 years.

**Article 270. The high-handed, unnecessary stopping of a train**

The high-handed, unnecessary stopping of a train, through disconnecting the main air brake line or through other means, if caused:

a) accidents involving people;

b) derailment, damage to rolling stock;

c) other serious consequences,

Shall be punished by a fine in the amount of 300 to 1000 conventional units or by imprisonment for a period of 2 to 7 years.

**Article 271. Deliberate shutting down of transport thoroughfares**

Deliberate shutting down of transport thoroughfares by creating obstacles, establishing posts or by any other means that provoked:

a) accidents with people;

b) other serious consequences,

Shall be punished by imprisonment for a period of 5 to 10 years.

**Article 272. The coercion of a worker of railway, naval, air or motor vehicle transport to fail to perform his official duties**

(1) The coercion of a worker of railway, naval, air or motor vehicle transport to fail to perform his official duties through the threat of murder, threatening with inflicting of gross bodily harm or with destruction of the property of this worker or of his close relatives, if there was danger that the threat would be applied,

Shall be punished by a fine in the amount of up to 200 conventional units or by imprisonment for a period of up to 1 year.
(2) The same act committed:
   a) repeatedly;
   b) by two or more persons,

Shall be punished by a fine in the amount of 200 to 700 conventional units or by imprisonment for a period of between 2 and 5 years.

**Article 273. The theft of transportation vehicles**

(1) The theft of transportation vehicles without the purpose of ownership,

Shall be punished by a fine in the amount of 500 to 1000 conventional units or by jail sentence of between 2 and 7 years.

(2) The same action:
   a) committed repeatedly;
   b) committed by two or more persons,
   c) accompanied by violence which doesn't endanger the victim’s life or health or by the threat to use such violence,

Shall be punished by jail sentence of between 5 and 10 years;

(3) The actions set forth in paragraphs (1) or (2) of the present article:
   a) accompanied by violence which endangers the victim’s life or health or by the threat to use such violence;
   b) when committed by entry into garage, other premises or in enclosed or guarded area,

Are to be punished by imprisonment for a period of 10 to 15 years.

**Article 274. Stealing vehicles with animal traction as well as traction animals**

Stealing vehicles with animal traction as well as traction animals, without the purpose of ownership, resulting in:
   a) destruction of goods;
   b) serious sickness or death of stolen animals,

Shall be punished by a fine in the amount of 200 to 500 conventional units or by jail sentence of between 2 and 5 years.

**Article 275. The theft or capture of a train, airship or vessel**

(1) The theft or capture of a train, airship or vessel, as well as capture of a railway station, airport, port or of other transportation enterprise, institution or organization, or the seizure of cargo without the misappropriation purpose,

Shall be punished by imprisonment for a period of 2 to 7 years.

(2) The same acts:
   a) committed by two or more persons;
   b) committed with the use of violence or threat with violence;
c) when they resulted in an accident of a train, airship or a vessel;

d) when they resulted in other serious consequences;

Shall be punished by imprisonment for a period of 5 to 10 years.

(3) Acts set forth in paragraphs (1) and (2), which resulted in:

a) inflicting of gross bodily or health harm;

b) death of a person,

Shall be punished by jail sentence of between 10 and 20 years.

**Article 276. Forging the identification elements of motor vehicles**

(1) Forging the serial and the identity number of the chassis, of body of the car or of engine of these by deleting, replacing or modifying these,

Shall be punished by a fine in the amount of up to 500 conventional units or by imprisonment for a period of up to 3 years.

(2) The same acts, when committed:

a) repeatedly;

b) by two or more persons;

c) by using work responsibilities,

Shall be punished by a fine in the amount of 500 to 1500 conventional units or by jail sentence of between 3 and 7 years.

**Article 277. Using a motor vehicle with forged identification elements**

Knowingly using a motor vehicle with forged identity number of the chassis, body of the car, or of engine of the car,

Shall be punished by a fine in the amount of up to 300 conventional units or by jail sentence of up to 2 years.

**Chapter XIII**

**CRIMES AGAINST PUBLIC SAFETY AND PUBLIC ORDER**

**Article 278. Terrorism**

(1) Terrorism, meaning provoking explosions, setting on fire or other actions that endanger human lives or cause material damage on a large scale or other serious consequences, when these acts were committed with the purpose of violating public safety, intimidation of the population or in order to force the public authorities or physical persons to take certain decisions, or threatening to commit such acts in these purposes,

Shall be punished by jail sentence of between 5 and 10 years.

(2) The same acts, when committed:

a) repeatedly;

b) by an organized criminal group;
c) by use of firearms or explosive;

d) causing gross or medium bodily or health harm;

e) causing material damage in especially large proportions,

Shall be punished by jail sentence of between 8 and 15 years.

(3) Acts set forth in paragraphs (1) or (2):

a) committed by a criminal organization;

b) that caused death of the person by negligence;

Shall be punished by jail sentence of between 12 and 20 years.

(4) Terrorism associated with intended murder,

Shall be punished by jail sentence of between 16 and 125 years or by detention for life.

(5) The person, who committed the terrorist act or other co-participants can be punished by minimal sentences provided by the present article, in case they warned the public authorities about the acts and thus contributed to avoiding death of the person or causing bodily or health harm or other serious consequences, or exposed other participants.

(6) Person who participated at the preparation of the terrorist act is exempted of the criminal liability if he announced on time the public authorities or by any other means prevented committing of terrorist act and if the acts of this person do not include other crime components.

Article 279. Activity for funding and materially ensuring the terrorist acts

Deliberate offering or collecting, through various means, directly or indirectly, of financial or material means for the purpose of using these to commit terrorist acts,

Shall be punished by jail sentence of between 10 and 25 years.

Article 280. Taking hostages

(1) Taking or keeping a person as a hostage, with the purpose of forcing the state, international organization, physical person or legal entity, or a group of persons to commit or to retain from committing an action as a condition for releasing the hostage,

Shall be punished by jail sentence of between 5 and 10 years.

(2) Taking hostages, if it was committed:

a) repeatedly;

b) against two or more persons;

c) knowingly against a minor;

d) by two or more persons;

e) out of financial interest;

f) by use of violence dangerous to life and health of the person;
g) by use of arms or other objects, used as arms;

Shall be punished by imprisonment for a period of 12 to 20 years with a fine in the amount of 500 to 1000 conventional units or without such fine.

(3) Taking hostages, when committed:

a) by an organized group or a criminal organization;

b) causing serious bodily or health harm;

c) death of the victim by negligence;

d) resulting in other serious consequences,

Shall be punished by jail sentence of between 16 and 25 years.

(4) A person who willingly or at the request of the representatives of public authorities released the hostage, shall be exempted of criminal liability, if his/her actions do not contain another crime component.

**Article 281. Knowingly communicating false information about a terrorist act**

Knowingly false communication about preparing of some explosions, setting on fires or other actions that create the danger for human lives, cause material damage on a large scale or result in other serious consequences,

Shall be punished by a fine in the amount of 200 to 500 conventional units or by arrest for a period of up to 6 months, or by jail sentence of up to 3 years.

**Article 282. Illegal organization of armed forces or participation in these forces**

(1) Organizing or conducting of an armed force not provided by the legislation of the Republic of Moldova, as well as taking part in such a force,

Shall be punished by imprisonment for a period of 5 to 10 years.

(2) Person who willingly stopped to participate in the illegal armed forces and gave the arms is released from the criminal liability, if the acts of this person do not include other crime components.

**Article 283. Banditism**

The organization of armed criminal gangs for the purpose of attacking legal entities or individuals, or participation in such gangs or in the attacks perpetrated by them,

Shall be punished by jail sentence of between 16 and 25 years with life detention.

**Article 284. Setting up or leading a criminal organization**

Setting up or leading a criminal organization, meaning establishment of such an organization and organizing its activities, or the searching and recruitment of members for a criminal organization, or the assembly of its members, or the establishment of monetary or other funds for the financial support of members and their criminal activities, or providing the criminal organization with weapons and tools for the perpetration of crimes, or the management of the collection of information concerning potential victims and concerning the activities of law enforcement agencies, or the coordination of criminal plans and actions with other criminal organizations, groups or individual criminals from inside the country and abroad,

Shall be punished by jail sentence of between 16 and 25 years.

**Article 285. Mass disorder**
(1) Organization and supervision of mass disorders, associated with violation of normal activity of the transportation, of organizations, enterprises, institutions or by resistance to a representative of public authority,

Shall be punished by jail sentence of between 4 and 10 years.

(2) The same acts, associated with:

   a) violence and insults towards the citizens;

   b) pogroms, destruction, arsons, or other similar actions;

   c) armed resistance to public authorities,

Shall be punished by jail sentence of between 8 and 15 years.

(3) Active participation in committing violent acts or insulting the citizens, as well as committing arsons or destroying the property during the mass disorder,

Shall be punished by a fine in the amount of 500 to 1000 conventional units or by jail sentence of between 2 and 7 years.

(4) Calls to active insubordination to the legitimate requests of the representatives of the authorities and to mass disorders, as well as the calls to commit violent acts against the citizens,

Shall be punished by a fine in the amount of 200 to 500 conventional units or by jail term of up to 3 years.

Article 286. Acts which undermine the operation of the penitentiary institutions

(1) Persons serving a sentence of imprisonment who terrorize the convicts that stand on the way of rehabilitation or who perpetrate attacks against administration, or who organize criminal groups for such purposes or participate actively in such groups,

Shall be punished by jail sentence of between 8 and 25 years.

Article 287. Hooliganism

(1) Hooliganism, meaning deliberate acts in gross violation of public order which express a clear lack of respect for society, involving violence against citizens or threatening to use such violence, or involving resistance to a representative of authority or to other person that stop hooligan acts, as well as acts distinguished in regard to their content by exceptional cynicism or special impudence,

Shall be punished by a fine in the amount of 200 to 700 conventional units or by imprisonment for a period of 2 to 5 years.

(2) The same acts, when committed:

   a) repeatedly;

   b) by two or more people,

Shall be punished by a fine in the amount of 400 to 1000 conventional units or by jail sentence of between 3 and 7 years.

(3) Especially malicious hooliganism, meaning the acts set forth in paragraphs (1) or (2), if they have been committed with the use or the attempted use of firearms or knives, brass knuckles or other objects especially adapted for the inflicting of bodily harm,

Shall be punished by jail sentence of between 4 and 8 years.
Article 288. Vandalism

(1) Vandalism, namely defiling of buildings or other rooms, as well as the destruction of property in the public transportation or other public places, -

Shall be punished by a fine in the amount of up to 500 conventional units or by 100 to 200 hours of unpaid work for the community benefit, or by arrest up to 6 months, or by jail sentence of up 3 years.

Article 289. Piracy

(1) Robbery through violent acts committed in own interests by the crew or passengers of a ship against persons or goods on that ship or against another ship, if the ships are in open sea or in any other place without jurisdiction of any other state,

Shall be punished by jail sentence of between 5 and 10 years.

(2) The same act:

   a) committed repeatedly;
   b) committed by an organized criminal group or a criminal organization;
   c) committed by using arms or any other objects, used as arms;
   d) which resulted in death of a person by negligence;
   e) which resulted in other especially serious consequences,

Shall be punished by jail sentence of between 12 and 20 years.

Article 290. Illegal carrying, storage, acquisition, manufacturing, repairing and sale of firearms and ammunition

(1) The illegal carrying, storage, acquisition, manufacture, repairing and sale of firearms, except for smooth bore hunting weapons, or of ammunition without the appropriate permit,

Shall be punished by a fine in the amount of 300 to 600 conventional units or by jail sentence of between 2 and 5 years.

(2) The same actions committed:

   a) repeatedly;
   b) by a two or more person;

Shall be punished by jail sentence of between 5 and 10 years.

(3) A person who voluntary surrenders firearms and ammunition which he has kept without the appropriate permit is exempted of criminal liability.

Article 291. Negligent storage of firearms and ammunition

The negligent storage of firearms and ammunition and the giving of such weapons and ammunition to other persons, when it resulted in serious consequences,

Shall be punished by a fine in the amount of up to 500 units or by jail sentence of up to 3 years.

Article 292. Manufacturing, purchase, processing, storage, shipment, usage or neutralization of the explosive and radioactive materials
(1) Manufacturing, purchase, processing, storage, shipment, usage, damaging without the required authorization or any other illegal operation regarding the circulation of the explosive and radioactive materials,

Shall be punished by a fine in the amount of 200 to 600 conventional units or by jail sentence of between 2 and 5 years.

(2) The same acts, when causing serious consequences,

Shall be punished by a fine in the amount of 500 to 1000 conventional units or by jail sentence of between 3 and 7 years.

**Article 293. Violation of the rules for evidence, storage, shipment and using of flammable or corrosive materials**

Violation of the rules for evidence, storage, shipment and using of flammable or corrosive materials, as well as illegal mail posting or transportation as luggage of these materials, if these acts caused serious consequences,

Shall be punished by a fine in the amount of 200 to 800 conventional units or by jail sentence of between 2 and 5 years.

**Article 294. Illegal transportation with air transport of explosives or easily firing substances**

Transportation by a passenger on an air craft of explosive substances or easily firing substances, if caused serious consequences,

Shall be punished by jail sentence of between 3 and 10 years.

**Article 295. Threatening to commit the theft of radioactive materials or to use them**

(1) Threatening to commit the theft of radioactive materials with the purpose to force a state, an international organization, a physical person or a legal entity to commit an action or to abstain them from an action, when there is a danger for these threats to be accomplished,

Shall be punished by a fine in amount of 200 to 400 conventional units or by jail sentence of up to 3 years.

(2) Threatening radioactive materials with the purpose to inflict death of a person or other serious consequences, when there is a danger for these threats to be accomplished,

Shall be punished by a fine in amount of 300 to 600 conventional units or by jail sentence of between 2 and 5 years.

**Article 296. Violation of anti-arson rules of protection**

The failure to fulfill the dispositions of anti arson supervision state authorities, as well as bad-faith violation of the rules against arsons, if this resulted in serious consequences,

Shall be punished by a fine in amount of up to 400 conventional units or by jail sentence of up to 3 years.

**Article 297. Non-fulfillment of Civil Protection supervision state authorities' orders**

Non-fulfillment of Civil Protection supervision state authorities orders, as well as deliberate violation of norms and rules for civil protection, if caused the death of a person or another serious consequences,-

Shall be punished by a fine of 200 to 600 conventional units or by jail sentence of between 2 and 5 years.

**Article 298. Violation of the rules for operation of power objectives**

The violation of the rules for operation of the producing stations, lines of transportation and distribution of electric and thermal power and of the transportation pipes for fuel, if this have caused:

   a) death of a person;
b) other serious consequences,

Shall be punished by a jail sentence of between 5 and 12 years.

**Article 299. Violation of the security rules for telecommunication lines**

The violation of security rules for telecommunication lines, which had as a consequence the deterioration of a line of the interurban cable telecommunication, if it provoked cessation of telecommunication,

Shall be punished by a fine in amount of up to 300 conventional units or by jail sentence of up to 2 years.

**Article 300. Violation of the rules on mines’ explorations or on construction works**

Violation of the security, construction, sanitary and rules of protection against arson during the works for mines’ explorations or constructions, as well as violation of rules for operation the devices for mines’ construction, if these caused:

a) death of a person;

b) other serious consequences,

Shall be punished by jail sentence of between 3 and 10 years.

**Article 301. Violation of the security rules at the enterprises or sections exposed to the danger of explosion**

The violation of the technical or production discipline or the violation of the rules ensuring the production security at the enterprises or departments exposed to the danger of explosion, if this caused:

a) death of a person; 

b) other serious consequences,

Shall be punished by jail sentence of between 3 and 10 years.

**Article 302. Initiation or organization of begging**

(1) Initiation or organization of begging, or recruitment of persons for begging, or instigation or coercing of a person to practice begging, with the purpose to obtain for him or another person of an unjust economic benefit, -

Shall be punished by a fine in amount of up to 1000 conventional units or by jail sentence of between 2 and 5 years.

(2) The same actions committed,

a) against a minor;

b) with severe physical or psychical deficiencies, -

Shall be punished by a fine in amount of 500 to 1500 conventional units or by jail sentence of between 5 and 7 years.

**Chapter XIV**

**CRIMES AGAINST JUSTICE**

**Article 303. Interference into the enforcement of justice and criminal investigation**
Any form of interference into the examination of cases by the judicial authorities for the purpose of hindering the multilateral, absolute and objective examination of a specific case or for achieving the issuing of an unlawful judicial decision,

Shall be punished by a fine in the amount of 200 to 500 conventional units or by 180 to 240 hours of unpaid labor for community benefit or by jail sentence of up to 3 years.

Any form of interference into the activity of bodies performing criminal investigation, for the purpose of hindering the fast discovery and the complete and objective investigation of a criminal case,

Shall be punished by a fine in the amount of up to 350 conventional units or by 180 to 240 hours of unpaid labor for community benefit or by jail sentence of up to 6 months.

The acts set forth in the paragraph (1) or (2), when committed with the use of an official position,

Shall be punished by a fine in the amount of 200 to 600 conventional units or by jail sentence of between 2 and 5 years, in the both cases with forfeiture of the right to hold certain positions or to practice certain activity for the period of 2 to 5 years.

Article 304. Slandering a judge, a person performing criminal investigation or contributes to justice enforcement.

(1) Slandering a judge or the person performing criminal investigation or is contributing to justice enforcement, associated with accusation of that person of committing a serious, an exceptionally serious crime or a heinous crime,-

Shall be punished by a fine in the amount of 200 to 500 conventional units or by arrest of up to 6 months, or jail sentence of up to 2 years.

Article 305. Attempting on the life of a judge, a person performing criminal investigation or contributes to justice enforcement.

The attempt on the life of a judge, a person performing criminal investigation or contributes to justice enforcement, as well as against their close relatives, committed in connection with the examination of the cases or the materials during the trial, for hindering the legal activity of the people indicated or by revenge for the similar activity,

Shall be punished by jail sentence of between 16 and 25 years or life detention.

Article 306. Knowingly holding an innocent person criminally liable

(1) Knowingly holding an innocent person criminally liable, by the person carrying on the criminal investigation,

Shall be punished by a fine in the amount of 300 to 800 conventional units or by jail sentence of between 2 and 5 years, in both cases with forfeiture of the right to hold certain positions or to practice certain activity up to 5 years.

(2) The same act:

a) regarding to the accusation of committing a serious, exceptionally serious or heinous crime;

b) committed out of economic interest or other personal interests;

c) which caused serious consequences,

Shall be punished by jail sentence of between 5 and 10 years with the forfeiture of the right to hold certain positions or to practice certain activity up to 5 years.

Article 307. Issuing of an illegal sentence, decree, conclusion or decision

(1) Knowingly passing an illegal sentence, decree, conclusion or an illegal decision by the judge,
Shall be punished by a fine in the amount of 300 to 800 conventional units or by jail sentence of between 2 and 5 years, in both cases with forfeiture of the right to hold certain positions or to practice certain activity up to 5 years.

(2) The same act:

   a) connected to the accusation of committing a serious, exceptionally serious or heinous crime;
   
   b) committed out material interest or other personal interests;
   
   c) that caused serious consequences,

Shall be punished by jail sentence of between 5 and 10 years with forfeiture of the right to hold certain positions or to practice certain activity up to 5 years.

**Article 308. Illegal detention or arrest**

(1) Knowingly illegal detention made by a person who carries on criminal investigation,

Shall be punished by jail sentence of up to 2 years with forfeiture of the right to hold certain positions or to practice certain activity up to 5 years.

(2) Illegal arrest knowingly made by a judge,

Shall be punished by jail sentence of up to 3 years with forfeiture of the right to hold certain positions or to practice certain activity up to 5 years.

(3) The acts set forth in paragraphs (1) or (2), when committed out of profit interests or other personal interests,

Shall be punished by jail sentence of between 2 and 5 years with the forfeiture of the right to hold certain positions or to practice certain activity up to 5 years.

(4) The acts set forth in the paragraphs (1) or (2) of the present article if they resulted into serious consequences,

Shall be punished by jail sentence of between 5 and 10 years with forfeiture of the right to hold certain positions or to practice certain activity up to 5 years.

**Article 309. Coercion to make statements**

(1) Coercion of a person to make statements during the interrogation, or coercion of an expert to give a conclusion or of interpreter to provide an inaccurate translation, through threats or other unlawful means on the part of the person conducting the preliminary or the criminal investigation,

Shall be punished by jail sentence of up to 3 years with forfeiture of the right to hold certain positions or to practice certain activity up to 5 years.

(2) The same acts involving:

   a) use of violence;
   
   b) conclusion of a plea bargain,

Shall be punished by jail sentence of between 3 and 8 years with the forfeiture of the right to hold certain positions or to practice certain activity up to 5 years.

**Article 310. Falsification of evidence**

(1) Falsification of evidence in the civil or criminal process by the person who participates in the case or by his representative,
(2) The same acts committed by an official person,

Shall be punished be a fine in the amount of 500 to 1000 conventional units or by jail sentence of up to 3 years, in both cases with the forfeiture of the right to hold certain positions or to practice certain activity for a period of 2 to 5 years.

(3) Actions provided by paragraph (1), committed by a lawyer, while concluding a plea bargain,

Shall be punished with a fine of 500 to 1000 conventional units or with arrest up to 6 months.

**Article 311. False denunciation**

(1) A knowingly false denunciation to an agency or to a person with official functions, that can initiate criminal investigation for the purpose of accusing some person of the perpetration of a crime,

Is to be punished by a fine in the amount of up to three hundred conventional units or by unpaid work for the benefit of society of one hundred and eighty up to two hundred and forty hours, or by imprisonment up to two years.

(2) The same act:

   a) regarding the accusation of committing a serious, exceptionally serious or heinous crime;

   b) if committed for the profit;

   c) committed regarding the fabrication of the accusing evidence,

Is to be punished by a fine in the amount of two hundred up to eight hundred conventional units or by imprisonment of two up to seven years.

**Article 312. False statements, conclusions of expertise or a false translation**

(1) Knowingly presentation of false statements on the part of a witness, injured party or a knowingly false conclusion on the part of an expert or an knowingly inaccurate translation performed by an interpreter, if these acts were committed during the criminal prosecution or in the court,

Is to be punished by a fine in the amount of up to three hundred conventional units or by imprisonment up to two years.

(2) The same acts, when:

   a) they involve the accusation of committing a serious, exceptionally serious or heinous crime;

   b) committed for the purpose of profit;

   c) fabrication of evidence to support the accusation;

Are to be punished by a fine in the amount of two hundred up to eight hundred conventional units or by imprisonment for the period of two up to seven years.

(3) The witness, the injured party, the specialist, the expert or the translator is exempted from criminal responsibility, if during the judicial investigation, they voluntarily declared about the presentation of false testimony, conclusion or translation.

**Article 313. The refusal of a witness, injured party, expert or translator to perform his duties or the evasion of such duties**

The refusal or the evasion of the witness or the injured party to make statements, if were committed during the criminal prosecution or in a court session,
Is to be punished by a fine in the amount of up to three hundred conventional units.

**Article 314. The coercion to or the evasion from making statements or to make a false translation**

(1) The coercion of a witness, injured party to make false statements, of an expert to perform false conclusions, as well as of the translator to give a make a false translation, as well the coercion to evade from these duties,

Is to be punished by a fine in the amount of two hundred up to five hundred conventional units or by imprisonment up to three years.

(2) The same acts:

   a) involving blackmail;

   b) committed by an organized criminal group,

Are to be punished by a fine in the amount of three hundred up to eight hundred conventional units or by imprisonment for the period of two up to five years.

**315. The disclosure of the information on the criminal prosecution**

(1) The disclosure of the information on the criminal prosecution, against the interdiction of persons carrying on the criminal prosecution,

Is to be punished by a fine in the amount of up to three hundred conventional units.

(2) The deliberate disclosure of the information on criminal prosecution by the person carrying on the criminal prosecution or the person in charge with supervision of their activity, while carrying on the criminal prosecution, if this action caused moral or material damages to the witness, injured party or their representatives, as well as if made the guilty party to evade the responsibility,

Is be punished by a fine in the amount of between five hundred and one thousand conventional units, depriving of the right to occupy certain functions or to exercise a certain activity for an up to three years period.

**Article 316. The disclosure of the information on security measures applied for judge and the parties of the criminal process**

(1) The disclosure of information on security measures applied towards judge, judicial executor, injured party, witness or the participants in the trial, towards closed relatives, if this action was committed by a person to whom this information was entrusted to, using the professional prerogatives,

Is to be punished by a fine in the amount of two hundred up to four hundred conventional units or by arrest for the period of up to four months or by imprisonment up to two years.

(2) The same acts if caused serious damages,

Is to be punished by a fine in the amount of three hundred up to six hundred conventional units or by imprisonment of two to five years.

**Article 317. Escape from places of detention**

(1) Escape from places of detention by a person who is serving a sentence by imprisonment or arrest, or by a person who is under pre-trial detention,

Is to be punished by imprisonment of between two and five years.

(2) The same act:

   a) Committed repeatedly;
b) committed by two or more persons;

c) involving the use of violence;

d) committed using weapons or other objectives used as weapons,

Is to be punished by imprisonment for the period of five to ten years.

**Article 318. Facilitating escape**

(1) Facilitating by all means an escape,

Is to be punished by imprisonment for the period of one up to five years with or without depriving the right to occupy certain functions or to exercise a certain activity for an up to five years period.

(2) Facilitating the escape, by a person on official position,

Is to be punished by imprisonment for the period of four up to eight years with or without depriving the right to occupy certain functions or to exercise a certain activity for the period up to five years.

(3) Facilitating the escape of a person under detention, under arrest or serving a sentence by imprisonment for a serious crime, exceptionally serious, or heinous crime,

Is to be punished by imprisonment for the period of five to ten years.

(4) Facilitating the escape, by imprudence by a person charged with the guard of the escaped person,

Is to be punished by imprisonment up to two years.

**Article 319. The evading from serving a sentence with imprisonment**

The evading from serving a sentence by a convict who has been allowed a brief leave from the place of detention,

Is to be punished by imprisonment up to two years.

**Article 320. The deliberate failure to execute a court decision**

(1) The deliberate failure to execute, as well as evading executing a decision of the court of law,

Is to be punished by a fine in the amount of up to three hundred conventional units or by imprisonment up to two years.

(2) The intentional failure to execute a decision of the court of law, or hindering their execution by a person who occupies official functions,

Is to be punished with a fine in the amount of up to five hundred conventional units or by imprisonment for an up to three years period, with or without depriving the right to occupy certain functions or to execute a certain activity for the period of two up to five years.

**Article 321. Violent disobedience to the requirements of the administration of a penitentiary**

Violent disobedience to the legitimate requirements of the administration of a penitentiary, committed by a person who is serving a sentence in a penitentiary,

Is to be punished by imprisonment for the period of between two and five years.

**Article 322. The illegal delivering of forbidden objects to the persons being held in the places of detention**
(1) The delivering, concealing from control, or the attempt to deliver through any means alcoholic beverages, drugs other substances with narcotic effect or other objects forbidden for passing, to persons who are in the places of detention, if these acts were committed systematically or in big proportions, 

Is to be punished with a fine in the amount of up to three hundred conventional units or by imprisonment up to two years.

(2) The same act when committed by using professional prerogatives 

Is to be punished with a fine in the amount of two up to five hundred conventional units or by imprisonment up to three years with or without depriving the right to occupy certain functions or to execute a certain activity for the period of two up to five years.

Article 323. Favors of crimes

(1) Not promised, preliminary favors of committing a serious, exceptionally serious or heinous crime,-

Is to be punished with a fine in the amount of two hundred up to five hundred conventional units or by imprisonment up to three years.

(2) The husband or the close relatives of the person who committed a crime are not criminally liable for the facilitation .

Chapter XV

CRIMES AGAINST STATE POWER, INTEREST OF STATE SERVICES AND THE SERVICE OF THE AUTHORITIES OF THE PUBLIC ADMINISTRATION

Article 324. Passive Corruption

(1) The act of an official person, who pretends or receives offers, money, securities, gifts, other goods or advantages with a real estate character, accept services, privileges, or other profits, which do not due to him, for the purpose of carrying out (or not carrying out), to delay the fulfillment of an act which regards to his professional duties, or for the purpose of performing an act against his professional duties, as well as for the purpose to obtain distinctions, functions, opened markets or other favorable decision by an authority,

Is to be punished with a fine in the amount of one thousand up to three thousand conventional units or by imprisonment of three years up to seven years, in the both cases depriving the right to occupy certain functions or to execute a certain activity for the period of two up to five years.

(2) The same actions, committed:

   a) by two or more persons;
   b) repeatedly;
   c) in big proportions;
   d) accompanied with extorting goods and services provided by paragraph (1) of the present article,-

Is to be punished with a fine in the amount of three thousand up to five thousand conventional units or by imprisonment of five years up to ten years, in the both cases depriving of the right to occupy certain functions or to execute a certain activity for the period of two up to five years.

(3) Actions stipulated in paragraph (1) or (2) of the present article, committed:

   a) by a person with a high responsibility position;
   b) in especially big proportions;
   c) for the interest of criminal organizations,
Is to be punished with imprisonment of seven years up to fifteen years, with a fine in the amount of three thousand up to five thousand conventional units and with depriving the right to occupy certain functions or to execute a certain activity for the period of three up to five years.

Article 325. Active corruption

(1) Promise, offer or giving, personally or by an intermediary, to a person with responsibility position any goods or services, enumerated in article 324 of the present Code, for the purposes indicated in the same article,

Is to be punished with a fine in the amount of two thousand up to four thousand conventional units or by imprisonment of two years up to five years.

(2) The same actions committed:

a) by two or more persons;

b) repeatedly;

c) in big proportions,

Is to be punished with a fine in the amount of two thousand up to four thousand conventional units or by imprisonment of three years up to seven years.

(3) The actions stipulated in paragraph (1) or (2) of the present article, committed:

a) in especially big proportions;

b) for the interest of criminal organizations,

Is to be punished by imprisonment of six years up to twelve years and with

(4) Person who has been offering or who has been given goods or services is exempted from criminal responsibility when goods or services were extorted or when the person self denounced, not knowing that the criminal investigation authorities, the investigator, prosecutor are informed about the crime committed by him.

Article 326. Traffic of influence

(1) Receiving or extorting money, securities, other goods or advantages with a real estate character, accepting services or promises for goods and advantages, personally or through intermediary for him or for other person, committed with intention by a person who have the influence or who support to have such an influence on a public servant, for the purpose of making the public servant to carry out or to fail to carry out actions regarding his professional duties, not taking into consideration if these actions were committed or not,

Is to be punished by a fine in the amount of five hundred up to one thousand conventional units or by imprisonment of two up to five years.

(2) The same actions followed by a promised influence or by obtaining the desired result, committed:

a) by two or more persons;

b) repeatedly;

c) by receiving values and other advantages in big proportions,

Is to be punished by a fine in the amount of one thousand up to three thousand conventional units or by imprisonment of three up to seven years.

(3) The actions stipulated in paragraphs (1) or (2) of the present article, committed:
a) for receiving values or advantages in especially big proportions;

b) for offering services to a criminal organization;

Is to be punished by imprisonment of five up to ten year and by a fine in the amount of five hundred up to one thousand conventional units.

**Article 327. The abuse of power or of an official position**

(1) The deliberate use by an official of his official position contrary to the requirements of duty, committed for a personal or other low-down interest, resulting in substantial harm to the public interests or to the legally protected rights and interests of individuals and legal entities,

Is to be punished by a fine in the amount of one hundred up to four hundred conventional units or by imprisonment up to three years, in the both cases with or without depriving the right to occupy certain position or to exercise certain activity for the period of up to five years.

(2) The same actions:

   a) committed repeatedly;

   b) committed by a person who occupy a high responsibility position;

   c) when caused serious damages,

Is to be punished by a fine in the amount of five hundred up to one thousand conventional units or by imprisonment of three up to seven years, in the both cases with depriving the right to occupy certain position or to exercise certain activity for the period of up to five years.

(3) The abuse of power or of an official position committed for the interest of a criminal organization,

Is to be punished by imprisonment for the period of five up to ten years with depriving the right to occupy certain position or to exercise certain activity for the period of up to five years.

**Article 328. The exceeding of one’s authority or of official powers**

(1) The commission by an official of acts which are clearly beyond the limits of the legal rights and powers granted to him, resulting in substantial damage to the public interests or to the protected by law rights and interests of individuals or legal entities,

Is to be punished by a fine in the amount of one hundred up to four hundred conventional units or by imprisonment up to three years, in the both cases with or without depriving the right to occupy certain position or to exercise certain activity for the period of up to five years.

(2) The same actions when are committed by:

   a) use of force;

   b) use of arms;

   c) acts which torture the injured party or insult his personal worth,

Is to be punished by imprisonment of three up to ten years with depriving the right to occupy certain position or to exercise certain activity for the period of up to five years.

(3) The actions stipulated in the paragraphs (1) or (2) of the present article:

   a) committed repeatedly;
b) committed by an high official;

c) committed in the interest of a criminal organization;

d) which caused serious consequences,

Is to be punished by an imprisonment of eight up to fifteen years with depriving the right to occupy certain position or to exercise certain activity for the period of two up to five years.

**Article 329. Professional Negligence**

(1) The failure of an official to perform his duties or inadequate performance of his duties as a result of negligent or not conscientious attitude towards the duties in question, if resulted in damages on a large scale either to the state or public interests or to the rights or interests of the citizens, which are protected by law,

Is to be punished by a fine in the amount of up to five hundred conventional units or by imprisonment up to three years, in the both cases with or without depriving of the right to occupy certain position or to exercise certain activity for the period of up to three years.

(2) The failure of an official to perform his duties or to perform such duties in an adequate manner as a result of negligent or not conscientious attitude towards his duties, if caused:

   a) the death of a person;
   
   b) other serious consequences,

Is to be punished by a fine in the amount of three hundred up to eight hundred conventional units or by imprisonment of three up to seven years, in the both cases with deprivation of the right to occupy certain position or to exercise certain activity for the period of up to five years.

**Article 330. Receiving of illicit reward by a servant**

(1) Receiving of an illegitimate reward or of real estate advantages from citizens for performing any actions or providing services, which are in the limits of his duties, by a servant of the public authorities, other institutions, enterprises and state organizations, who is not an official,

Is to be punished by a fine in the amount of two hundred up to four hundred conventional units or by imprisonment of up to three years, in the both cases with or without depriving of the right to occupy certain position or to exercise certain activity for the period of up to five years.

(2) The same actions committed:

   a) repeatedly;
   
   b) in big proportions,

Is to be punished by a fine in the amount of four hundred up to one thousand conventional units or by imprisonment of two up to six years, in the both cases with or without depriving of the right to occupy certain position or to exercise certain activity for the period of up to five years.

**Article 331. The refuse to carry out the requirements of the Law**

(1) The refuse of a person with official responsibilities to carry out the Law, when caused damages in big proportions to the public interests or to the rights or interests of the individuals and legal entities, which are protected by law.

Is to be punished by a fine in the amount of two hundred up to five hundred conventional units or by imprisonment up to three years, in the both cases with or without depriving of the right to occupy certain position or to exercise certain activity for the period of up to five years.

(2) The same action:
Article 332. Falsification of public documents

(1) Noting, by an official as well as by a servant of a public authority who is not an official person, of obviously false data into official documents, as well as their falsification, if these actions were committed out of economic or personal interests,

Is to be punished with a fine up to five hundred conventional units or with imprisonment up to three years, in the both cases depriving of the right to occupy a certain position or to exercise a certain activity for an up to five years period.

(2) The same actions, committed:

a) repeatedly;

b) committed by a high official person;

c) in the interests of a criminal organization,

Shall be punished with a fine of five hundred to one thousand conventional units or with imprisonment of three up to seven years, in the both cases depriving of the right to occupy certain position or to exercise certain activity for a period of two up to five years.

Chapter XVI

CRIMES AGAINST SERVICES INTERESTS OF THE COMMERCIAL, PUBLIC AND NONGOVERNMENTAL ORGANIZATIONS

Article 333. Taking of bribe

(1) Taking of a bribe by a person administrating a commercial, public or non-governmental organization or their subdivision, in the form of money, securities, other goods or real estate advantages, accepting services, privileges or profits which do not due to him, for the purpose of performing actions (inaction) or performing with a delay any actions in the interest of the bribe giver or in the interest of people whom he represents, if such an action (inaction) is in the limits of his duties,

Is to be punished by a fine in the amount of five hundred up to one thousand conventional units or by imprisonment of up to five years, in the both cases depriving of the right to occupy certain position or to exercise certain activity for the period of two up to five years.

(2) The same actions when:

a) committed repeatedly;

b) committed by two or more persons;

c) committed on large proportions;

d) consorted by extorting the bribe,

Are to be punished by a fine in the amount of five hundred up to one thousand conventional units or by imprisonment of five to ten years, in the both cases with depriving the right to occupy certain position or to exercise certain activity for the period of two up to five years.
Article 334. Giving of a bribe

(1) Giving of a bribe,-

Shall be punished with a fine of five hundred to one thousand conventional units or with imprisonment for an up to three years period.

(2) The same actions, when committed:

   a) Repeatedly;

   b) By two or more persons;

   c) On a large scale,-

Is to be punished by a fine in the amount of one thousand up to two thousands conventional units or by imprisonment of two up to five years.

(3) A person who has given a bribe is to be exempted from criminal responsibility, if he was subjected to extortion of the bribe, or if the individual in question self denounced, while he didn’t know that the investigation authorities, the investigator, prosecutor knew about the committed crime.

Article 335. Abuse of duties (service)

(1) The deliberate use of duties, contrary to the professional duties, by a person who is administering a commercial or a public organization or other non governmental organization, committed for the purpose of personal interests or other bad interests, if caused serious damages to public interests or to the rights or interests protected by law of physical persons or legal entities,

Is to be punished by a fine in the amount of one hundred up to four hundred conventional units or by imprisonment up to three years.

(2) The deliberate use of duties, contrary to the professional duties, by a notary, auditor, attorney for the purpose of personal interests or other bad interests, if caused serious damages to public interest or to the rights and interests protected by law of individuals and legal entities,

Is to be punished by a fine in the amount of five hundred up to eight hundred conventional units or by imprisonment of two up to five years, in both cases with or without depriving of the right to occupy a certain position or to exercise a certain activity for the period of up to five years.

(3) The actions set forth in the paragraphs (1) or (2) of the present article:

   a) committed in the interest of a criminal organization;

   b) which caused serious consequences,

Is to be punished by a fine in the amount of seven hundred up to one thousand and five hundred conventional units or by imprisonment of three up to seven years, in the both cases with or without depriving of the right to occupy a certain position or to exercise a certain activity for the period of two up to five years.

Article 336. The overtake of professional duties

(1) Committing of actions, which obviously overtakes the limits of rights and duties granted by law, by a person administrating a commercial or public organization or other non governmental organization, if caused serious damages to the public interests or to the rights or interests protected by law of the individuals or legal entities,

Is to be punished by a fine in the amount of two hundred up to five hundred conventional units or by imprisonment up to two years, in the both cases with or without depriving of the right to occupy a certain position or to exercise a certain activity for the period of two up to five years.
(2) Overtaking the professional duties granted by law contrary to the professional duties, accompanied with violence or threat to use it, by a person of the private security service or of the private detective service,

Is to be punished by a fine in the amount of three hundred up to seven hundred conventional units or by imprisonment up to five years, in the both cases with depriving of the right to occupy a certain position or to exercise a certain activity for the period of two up to five years.

(3) Actions set forth in the paragraph (1) or (2) of the present article:

a) Committed for the interest of a criminal organization;

b) That caused serious consequences,

Is to be punished by imprisonment of three up to seven years, with deprivation of the right to occupy a certain position or to exercise a certain activity for the period of two up to five years.

Chapter XVII
CRIMES AGAINST THE STATE AUTHORITY AND AGAINST THE STATE SECURITY

Article 337. Treason

(1) Treason, i.e. an act deliberately committed by a citizen of the Republic of Moldova to the detriment of the sovereignty, territorial integrity or state security and defensive capability of the Republic of Moldova, through going over to the side of the enemy, espionage, the passing of a state or military secret to a foreign state, foreign organization or its representatives, as well as rending aid to a foreign state in conducting hostile activities against the Republic of Moldova,

Is to be punished by imprisonment for the period of sixteen up to twenty five years or by life imprisonment.

(2) Citizen of the Republic of Moldova who has been enlisted by a foreign intelligence service to conduct hostile activities against the Republic of Moldova is to be exempted from criminal responsibility, if he has committed no actions to accomplish the illegal mission he has been given and has voluntarily reported about his connection with the foreign intelligence service to authorities.

Article 338. Espionage

The transfer, embezzlement or collection of information constituting a state or military secret for the purpose of passing to a foreign state, to a foreign organization or to their agents, as well as passing or collecting, on the assignment of a foreign intelligence service, of other information for use to the detriment of the interests of the Republic of Moldova, if such espionage has been committed by a foreign citizen or a person without citizenship,

Is to be punished by imprisonment for the period of ten up to twenty five years.

Article 339. Usurpation of state authority

(1) Actions committed for the purpose of usurpation or forced maintenance of state authority by violating the Constitution of the Republic of Moldova,

Is to be punished by imprisonment for the period of between twelve and twenty years.

(2) The same actions which caused:

a) the forced change of the constitutional system of the Republic of Moldova,

b) death of a person;

c) other serious consequences,

Is to be punished by imprisonment for the period of twenty up to twenty five years or by life imprisonment.
Article 340. Armed revolt

Organizing or conducting an armed revolt, as well as the participation in such a revolt for the purpose of overthrow or forced change of the constitutional system or of territorial integrity of the Republic of Moldova

Is to be punished by imprisonment for the period of twenty up to twenty-five years

Article 341. Public appeals to change the constitutional system of the Republic of Moldova

(1) Public appeals to overthrow or change, using violence, of the constitutional system or to violation by violence of the territorial integrity of the Republic of Moldova, as well as diffusion, through various means, for the same purpose of materials with the same content,-

Is to be punished by a fine in the amount of two hundred up to six hundred conventional units or by imprisonment up to 2 years.

(2) The same actions, committed:
   a) repeatedly;
   b) by two or more persons,

Is to be punished by a fine in the amount of three hundred up to one thousand conventional units or by imprisonment for the period of five up to seven years.

(3) The actions set forth in the paragraph (1) and (2) of the present article, committed on the assignment of a foreign organization or of their representatives,

Is punished by imprisonment for the period of eight up to fifteen years.

Article 342. Attempt on life of the President of the Republic of Moldova, of the President of the Parliament, of the Prime Minister

Attempt on President's of the Republic of Moldova life, President's of the Parliament life, Prime Minister's life committed for the purpose of ceasing their state activity or other political activity or as a revenge for some other activity,

Is to be punished by imprisonment for the period of twenty up to twenty-five years or by life imprisonment.

Article 343. Diversion

Perpetration of explosions, arsons or some other actions for the purpose of weakening the economics and the defending capacity of the Republic of Moldova, straighten for people's mass destruction, for causing bodily and health harms to more persons, for distorting and deteriorating of enterprises, buildings, ways of communications, means of telecommunications, or of some other state or public goods, as well as the provocation for the same purpose a different kind of poisons or the spread out of epidemic or bacteria.

Is to be punished by imprisonment for the period of sixteen up to twenty-five years or by life imprisonment.

Article 344. Divulging of a state secret

(1) The divulging of information constituting a state secret by a person to whom the information in question has been entrusted or has become known in connection with his position or work, if doesn't essentially constitute a treason or espionage,

Is to be punished by a fine in the amount of two hundred up to six hundred conventional units or by imprisonment for the period of two up to five years, in both cases with deprivation of the right to occupy a certain position or the right to exercise a certain activity for the period up to five years.

(2) The same act in the event that it involves heinous consequences,
Is to be punished by imprisonment for the period of five up to ten years with deprivation the right to occupy a certain position or the right to exercise a certain activity for the period of two up to five years.

**Article 345. The loss of documents containing a state secret**

(1) The loss of documents containing a state secret or of objects which’s data constitute a state secret, by a person to whom such documents or objects has been entrusted, if such loss was the result of violation of established regulations for handling the documents or objects in question,

Is to be punished by a fine in the amount of one hundred up to four hundred conventional units or by imprisonment for the period of one up to three years, in both cases with deprivation the right to occupy a certain position or the right to exercise a certain activity for the period of two up to five years.

(2) The same action, if it has resulted in heinous consequences,

Is to be punished by imprisonment for the period of three up to ten years, in both cases with deprivation the right to occupy a certain position or the right to exercise a certain activity for the period of two up to five years.

**Article 346. Deliberate actions targeted to provoke national, racial or religious enmity or discord**

Deliberate actions, public instigation, inclusively through mass-media, written or electronic, targeted to provoke national, racial or religious enmity or discord, to humiliate the national honor and dignity, as well as the direct or indirect limitation of the rights or establishing of direct or indirect advantages for citizens depending on their national, racial or religious affiliation,-

Is to be punished by imprisonment for the period of three up to ten years or with a fine up to two hundred conventional units.

**Article 347. The desecration of state symbols**

(1) The desecration of state symbols (the flag, the emblem, the anthem) of the Republic of Moldova or of another state,-

Is to be punished by a fine in the amount of up to five hundred conventional units or by imprisonment up to three years,

(2) The same acts, committed :

   a) repeatedly;

   b) by two or more,

Is to be punished by a fine in the amount of two hundred up to seven hundred conventional units or by imprisonment of two up to six years,

(3) The acts set forth in the paragraphs (1) or (2) of the present article, committed by officials responsible for the adherence to proper procedures in the use of state symbols,

Is to be punished by a fine in the amount of five hundred up to eight hundred conventional units or by imprisonment of four up to seven years, in the both cases with depriving the right to occupy a certain position or to exercise a certain activity for the period up to five years.

**Article 348. Hindering the legal activity of the officials or opposing resistance to them.**

(1) Hindering, failure to permit carrying on of controls, failure to present the adequate documents or failure to execute orders or other legal requirements, if these acts caused considerable damage to public interests or to the rights or interests, defended by law, of individuals or legal entities;

Is to be punished with a fine in the amount of 100 up to 500 conventional units or by imprisonment up to one year.
Article 349. The threat or violence against an official or a citizen while performing his public duties

(1) The threat with murder, or with inflicting of bodily and health harm, or with the destruction of property committed against a police worker or against an other official or his close relatives for the purpose of halting official or public actions or for changing the nature of such actions in the interest of a person who threatens or in other person’s interest, as well as the same threats or the same actions illegally committed against a citizen or his close relatives in connection with his participation in the prevention or suppression of a crime or antisocial act,

Is to be punished by a fine in the amount of three hundred up to one thousand conventional units or by unpaid work for the benefit of community for a period of up to one hundred eighty hours or by imprisonment for the period of up to five years.

(2) The same acts, when combined with:

a) using violence endangering the life or health of the mentioned persons;

b) destroying the property through means dangerous for the life of several persons;

c) material damages on large proportions;

d) other serious consequences.

Is to be punished by imprisonment of five up to fifteen years.

Article 350. Attempt (assault) on the life of police personnel

(1) Assault on the life of police personnel, of other worker of internal affairs agencies or of other person in connection with his performance of his official or public duty in regard to the protection of public order and to combatting of crime, which caused light or medium bodily or health harm,

Is to be punished by imprisonment for a period of seven to twenty years.

(2) The same acts if committed by accompanied:

a) With a gross bodily or health harm;

b) With death of a person,

Is to be punished by imprisonment for a period of fifteen to twenty five years or by life imprisonment.

Article 351. The usurpation of official qualities

(1) The usurpation of official qualities (positions), accompanied by the perpetration of a crime on these grounds,

Is to be punished by a fine in the amount of up to six hundred conventional units or by unpaid work for the benefit of the community of one hundred eighty up to two hundred forty hours or by imprisonment up to five years.

a) The same acts committed by two or more persons,

Is to be punished by a fine in the amount of three hundred up to seven hundred conventional units or by imprisonment for the period of three up to seven years.

Article 352. Arbitrary dealing

(1) Arbitrary dealing, namely the arbitrary exercise of one’s legitimate or supposed right through violation of established order, if caused large damages to public interests or to the legally protected rights and interests of the individuals and legal entities,
Is to be punished by a fine in the amount of up to five hundred conventional units or with unpaid work for the benefit of the society for the period of one hundred up to two hundred forty hours or by imprisonment up to three years.

(2) The same acts:
   a) committed repeatedly;
   b) committed by two or more persons;
   c) committed through threatening with murder or with inflicting health or bodily harm;
   d) involving violence which does not endanger life or health;
   e) committed by destruction of property,

Is to be punished by a fine in the amount of two hundred up to six hundred conventional units or by imprisonment for the period of two up to five years.

(3) The acts set forth in the (1) and (2) of the present article:
   a) when committed by an organized criminal group or a criminal organization;
   b) when committed with the use of arms;
   c) when involve the use of violence dangerous for life and health;
   d) when they result in damages on exceptionally large scale;
   e) when caused other heinous consequences;

Is to be punished by imprisonment for the period of five up to twelve years.

Article 353. Evading from incorporation into the military service, obliged military preparation or reservist training

(1) Evading from incorporation in the military service, obliged military preparation or reservist training,

Is to be punished by imprisonment up to three years.

(2) The same act committed:
   a) repeatedly;
   b) by self-mutilation;
   c) by simulation of illness;
   d) by falsification of documents or some other form of deception,

Is to be punished by imprisonment for the period of three up to five years.

Article 354. Evading from mobilization

(1) Evading from mobilization into the Army Forces,

Is to be punished by imprisonment for the period of two up to five years.

(2) The same act committed during war,
Is to be punished by imprisonment for the period of five to ten years.

**Article 355. The failure or refusal to satisfy the alternative service**

(1) Evading from or refusal of a person who should carry on the alternative service to execute his obligation of alternative service,

Is to be punished by a fine in the amount of one hundred up to five hundred conventional units or with unpaid work for the benefit of community for a period of two hundred hours.

(2) The same facts when committed:

   a) repeatedly;
   
   b) by self-mutilation;
   
   c) by simulation of illness;
   
   d) by falsification of documents or some other form of deception;
   
   e) during a war,

Is to be punished by a fine in the amount of four hundred up to one thousand conventional units or with arrest for a period up to six months.

**Article 356. Evading from execution of obligations during a war**

Evading, during the war, from labor mobilization or from execution of some other duties,

Is to be punished by imprisonment for the period of one to five years.

**Article 357. Organization and supervision of a prohibited strike, as well as hindering the activity of the enterprise, institution, organization under the conditions of exceptional situation**

(1) Organization and supervision of a prohibited strike, as well as hindering the activity of the enterprise, institution, organization under the conditions of exceptional situation,

Is to be punished by a fine in the amount of up to five hundred conventional units or by unpaid work for the benefit of the society in the amount of one hundred up to two hundred and forty hours or by imprisonment for the period of up to three years.

(2) The same acts, committed during the period of the special forms of administration,

Is to be punished by imprisonment for the period of one up to five years.

**Article 358. Organization of, active participation in group actions that violate the public order, or involvement of minors in such actions**

(1) Organization or active participation in group actions that seriously violate the public order, or that are accompanied with obvious failure to execute legal orders of authority’s representatives or that caused hindering of normal activities of transportation, of enterprises, institutions, state or public organizations, -

Is to be punished with a fine in the amount of up to five hundred conventional units or by imprisonment up to three years.

(2) Involvement of minors in group actions that seriously violate the public order, accompanied with obvious failure to execute legal orders of authority’s representatives or that caused hindering of normal activities of transportation, or large damage to legally protected rights and interests of individuals and legal entities, -
Is to be punished with a fine in the amount of up to five hundred conventional units or by imprisonment up to five years.

**Article 359. The sale or buying official documents**

The sale or buying official documents which grant rights or exempt from duties,

Is to be punished by a fine in the amount of up to two hundred conventional units or by arrest up to six months.

**Article 360. Taking away, embezzlement or damage of documents**

(1) Taking away, embezzlement, destruction, damage or concealment of the documents or the theft of blanks, stamps or seals located at enterprises, institutions or organizations indifferently of their legal form of organization or of type of property if such acts have been committed for profit or from other ignoble motives,

Is to be punished by a fine in the amount of up to four hundred conventional units or by imprisonment for the period up to three years.

(2) Taking away, damage, destruction, possession, concealment or embezzlement of identity cards or other important personal documents from citizens, intended to limit or to constrain the freedom of a person or the freedom to move of a person,

Is to be punished by a fine in the amount of up to five hundred conventional units or by imprisonment for the period up to five years.

**Article 361. The forging or use of forged documents, stamps, seals or false blanks**

(1) Forging, sale, possession or use of falsified official documents which confer rights or exempt from duties, the manufacture or sale of a counterfeit stamp or seal or of falsified blanks of enterprises, institutions or organizations indifferently of their legal form of organization or of their type of property,

Is to be punished by a fine in the amount of up to three hundred conventional units or by imprisonment for the period up to two years.

(2) The same acts:

a) committed repeatedly;

b) committed by two or more persons;

c) if caused a substantial damage to state or public interests or to the legal rights and interests of citizens;

d) combined with the manufacture, sale or use of a forged especially important document,

Is to be punished by a fine in the amount of two hundred up to six hundred conventional units or by imprisonment for the period of one up to five years.

**Article 362. Illegal passing of a state border**

(1) Illegal passing of the state border of the Republic of Moldova,

Is to be punished by a fine in the amount of up to four hundred conventional units or by imprisonment for the period of one up to three years.

(2) The same actions committed repeatedly,

Is to be punished by a fine in the amount of three hundred up to six hundred conventional units or by imprisonment for the period of two up to five years.
(3) Illegal passing of a state border combined with violence or the use of arms,

Is to be punished by imprisonment for the period of three up to eight years.

(4) The action of the present article does not expand on foreign citizens, arrived in the Republic of Moldova without the necessary passport or without authorization, in order to use the right to asylum granted by the Constitution of the Republic of Moldova, and does not extend on persons who are victims of trafficking in human beings.

Article 363. The illegal use of signs which are under the protection of international treaties.

The illegal use of the emblem of the Red Cross and of the name "Red Cross" by persons who don't have this right, as well as the use of signs which can be identified with the emblem of the Red Cross, if these actions caused serious consequences,-

Is to be punished with imprisonment for a period up to one year or with a fine up to two hundred conventional units.

Chapter XVIII

MILITARY CRIMES

Article 364. Deliberate failure to execute an order

(1) The deliberate failure to execute the order of a chief, which caused a considerable damage to the professional interests,

Is to be punished by transferring to a disciplinary military unit for the period of up to two years or by imprisonment up to three years.

(2) The same act:

a) committed by two or more persons;

b) which caused heinous consequences,

Is to be punished by imprisonment for the period of two up to seven years.

(3) The actions set forth in the paragraphs (1) and (2) of the present article, committed:

a) during a war;

b) in conditions of fight,

Is to be punished by imprisonment for the period of eight up to fifteen years.

(4) The failure to execute the order as a result of negligent or of not conscientious attitude regarding the order:

a) which caused heinous consequences;

b) during a war;

c) in conditions of fight,

Is to be punished by sending to a disciplinary military unit for the period of up to two years or by imprisonment for the period of between two and five years.

(5) A person's act, provided by the Criminal Law, committed in order to execute an illegal order or request of a military chief is not considered to be a crime. The person who gave the illegal order or request shall be held criminally liable.
A person who knowingly committed a deliberate crime in order to execute an illegal order or request shall be held criminally liable, under the general grounds. The failure to execute the illegal order or request excludes the criminal liability.

Article 365. Resisting to a chief or coercion to violate official duties

(1) Resisting to a chief, or to another person engaged in the performance of duties related to military service, or coercion of such an individual to violate such duties,

Is to be punished by imprisonment for the period of between two and five years.

(2) The same acts, when:
   a) committed by two or more persons;
   b) committed by the use of weapons;
   c) when they result in heinous consequences,

Is to be punished by imprisonment for the period of five to ten years.

(3) The acts set forth in the paragraphs (1) and (2) of the present article:
   a) that involved a deliberate murder of the superior or of other person engaged in the performance of his duties related to the military service;
   b) committed during a war;
   c) committed in combat situation,

Is to be punished by imprisonment for the period of fifteen to twenty-five years or by life imprisonment.

(1) The insult of the chief by the subordinated persons, as well as the insult of the subordinated person by the superior in connection with the performance of duties related to the military service,

Is to be punished by sending to a disciplinary military unit for a period of up to two years or by imprisonment for the period of up to three years.

(2) The same acts, when committed:
   a) during the war;
   b) in combat situation,

Is punished by imprisonment for the period of between two and five years.

Article 367. Threatening against the chief

(1) Threatening with murder, with inflicting of bodily or health harm or with beating a chief while he fulfills his duties related to the military service,

Is to be punished by sending to a disciplinary military unit for the period of up to two years or by imprisonment for the period of between two and five years.

(2) The same acts, when committed:
   a) during war;
b) in combat situation;

Is to be punished by imprisonment for the period of five up to ten years.

**Article 368. Violent acts against a chief**

(1) The inflicting of light bodily or health harm or beating a chief while he fulfills his duties related to the military service,

Is to be punished by imprisonment for the period of between two and five years.

(2) The same acts:

a) committed by two or more persons;

b) committed by using weapons;

c) committed during a war;

d) committed in combat situation;

e) when caused heinous consequences,

Is to be punished by imprisonment for the period of six up to fifteen years.

**Article 369. The violation of charter regulations regarding the relationships between militaries, if they are not in relations of subordination**

(1) The violation of charter regulations regarding the relationships between militaries, persons who attend the mandatory military trainings and between reservists, during the military service, the mandatory military training or during the concentration, if they are not in relations of subordinations and if the violation manifested by scuffles or by an action of violence,

Is to be punished by sending to a disciplinary military unit for the period of up to two years or by imprisonment for the period of up to three years.

(2) The same action, committed:

a) repeatedly;

b) against two or more persons;

Is to be punished by imprisonment for the period of two up to five years.

(3) The actions set forth in the paragraphs (1) and (2) of the present article, committed by a group of people or by using weapons, as well as if caused serious consequences,

Is to be punished by imprisonment for the period of six up to twelve years.

**Article 370. The abuse of authority, exceeding of or failure to exercise authority**

(1) The abuse of authority or of an official position by a chief or an official, the exceeding of authority or official duties, and the failure to exercise authority, if they caused substantial damage to the victim or to the official interests,

Is to be punished by imprisonment for the period of between two and five years.
(2) The same acts which caused heinous consequences, -
Is to be punished by imprisonment for the period of five up to ten years.

(3) The acts set forth in the paragraphs (1) and (2) of the present article, when they were committed:
   a) during a war;
   b) in combat conditions;
Is to be punished by imprisonment for the period of fifteen up to twenty-five years.

**Article 371. Desertion**

(1) Desertion, namely leaving the military unit, the training center or the place of service in order to evade from military service, from mandatory military trainings or from concentration, as well as the failure to present to for service or for concentrations in cases of: leave from the military unit or training center, in case of assignment, transfer, in case of returning from a business trip, from vacation, from a treatment institution, committed by a military man, a person attending the mandatory military trainings or by a reservist, -

Shall be punished with imprisonment for a period of between two and seven years.

(2) Desertion, committed:
   a) with a weapon,
   b) by two or more persons
Shall be punished with imprisonment for a period of between five and ten years.

(3) Actions, provided by paragraphs (1) and (2) of the present article, committed:
   c) during a war;
   d) in combat conditions,
Shall be punished with imprisonment for a period of between seven and fifteen years.

(4) The actions provided by the present article, committed by a military man who is serving his sentence in a disciplinary military unit, -
Shall be punished with imprisonment for the period of between twelve to twenty years.

(5) The military man, who deserted for the first time under the conditions of paragraph (1) of the present article, may be released from criminal liability, if the desertion was committed under difficult situations.

**Article 372. Evading from military service**

(1) Evading of a military man, of a person engaged in compulsory military trainings, from fulfillment of the duties of the military service, from the compulsory military training or from concentration, through self-mutilation or simulation of a disease, through falsification of documents or through some other deception, -

Is to be punished by assignment to a disciplinary military unit for the period of up to two years.

(2) The same acts, committed:
   a) during a war;
b) in combat conditions,

Is to be punished by imprisonment for the period of up to five years.

**Article 373. The violation of the regulations for handling weapons, as well as for manipulation of substances and objects which represent increased danger to persons in the area**

(1) The violation of the regulations for handling weapons, as well as for manipulation of ammunitions, explosives, radioactive materials, of substances and objects which represent increased danger to persons in the area, which caused light or medium injuries to victim's bodily integrity or health,

Is to be punished by assignment to a disciplinary military unit for the period of up to two years or by imprisonment for the period of up to three years.

(2) The same act, when caused:

   a) serious bodily and health harm;

   b) death of a victim from imprudence;

   c) other heinous consequences,

Is to be punished by imprisonment for the period of five up to ten years.

(2) The same acts, when caused the death of two or more persons from imprudence,

Is to be punished by imprisonment for the period of seven up to fifteen years.

**Article 374. The violation of regulations regarding the guard service**

(1) The violation of regulations regarding the guard (watch) service, or of orders and stipulations issued for the development of these rules, which caused considerable damages,

Is to be punished by assignment to a disciplinary military unit for the period of up to two years.

(2) The same act, when caused heinous consequences,

Is to be punished by imprisonment for the period of between two and five years.

(3) The acts set forth in the paragraphs (1) and (2) of the present article, when committed:

   a) during a war,

   b) in combat conditions,

Is to be punished by imprisonment for the period of four up to ten years.

**Article 375. The violation of rules for the performance of combat service of military troops**

(1) The violation of rules for the performance of alarm service (combat service) regarding the prompt detection and repulsion of a sudden attack against the Republic of Moldova, or regarding the defense and ensuring of the security of the Republic of Moldova, if these actions caused or could cause damages to the state security interests,

Is to be punished by assignment to a disciplinary military unit for the period of up to two years or by imprisonment for the period of between two and five years.

(2) The same act, when caused heinous consequences,
Is to be punished by imprisonment for the period of five to ten years.

(3) The acts set forth in the paragraphs (1) and (2) of the present article, when committed:

   c) during a war;

   d) in combat conditions,

Is to be punished by imprisonment for the period of sixteen to twenty-five years.

**Article 376. The violation of charter regulations for domestic service**

(1) The violation of charter regulations for domestic service by a person who is the member of the day staff of the military unit, except for the persons on guard and on watch, when caused a considerable damage,

Is to be punished by arrest for the period of up to six months or by assignment to a disciplinary military unit for the period of up to two years.

(2) The same action if caused a considerable damage, prevention of which was the duty of that person,

Is to be punished with imprisonment for a period of between six months and two years.

(3) The actions provided by paragraphs (1) and (2) of the present article, committed:

   f) during war;

   g) in combat conditions,

Is to be punished by imprisonment for the period of between one and five years.

**Article 377. The violation of the rules regarding the maintenance of public order and security**

(1) The violation of rules regarding the maintenance of order, by a person who is a member of the military unit for maintaining the public order and security, combined with violation of the rights and liberties of the citizens or with use of force against them,

Is to be punished by assignment to a disciplinary military unit for the period of up to two years or by imprisonment for the period of up to two years.

(2) The same act combined with heinous consequences,

Is to be punished by imprisonment for the period of two up to five years.

**Article 378. Negligent attitude towards the service**

(1) The negligent attitude of a chief or other official person towards the service, if caused damages on a large scale,

Is to be punished by imprisonment for the period of up to three years.

(2) The same act, set forth in the previous paragraph (1) when caused serious consequences,

Is to be punished by imprisonment for the period of five up to ten years.

(3) The acts set forth in the paragraphs (1) and (2) of the present article, when committed:

   a) during a war;

   b) in combat conditions,
Is to be punished by imprisonment for the period of seven to fifteen years.

**Article 379. The deliberate destruction of or damage to military property**

(1) The deliberate destruction of or damage to weapons, ammunition, vehicles, military equipment or some other military property,

Is to be punished by assignment to a disciplinary military unit for the period of up to two years or by imprisonment for the period of up to two years.

(2) The same act, when caused serious consequences,

Is to be punished by imprisonment for the period of five to ten years.

(3) The acts set forth in the paragraphs (1) and (2) of the present article, when committed:

   a) during a war;

   b) in combat conditions,

Is to be punished by imprisonment for the period of sixteen up to twenty-five years.

**Article 380. The destruction of or damage to military property by imprudence**

(1) The destruction of or damage to military property on a large scale, by imprudence,

Is to be punished by assignment to a disciplinary military unit for the period of up to two years or by imprisonment for the period of up to two years.

(2) The acts set forth in the paragraph (1) of the present article, when committed:

   a) during a war;

   b) in combat conditions,

Is to be punished by imprisonment for the period of three to eight years.

**Article 381. The waste or loss of military property**

(1) The sale, pledging, or giving for the other’s use, of the equipment given to the military man for his personal use, as well as the loss or damage to these objects as a result of violation of the rules for keeping them,

Shall be punished with transfer to a disciplinary military unit for an up to one year period.

(2) The same actions, committed:

   a) during war;

   b) in combat conditions,

Shall be punished with imprisonment for a period up to three years.

(3) The loss or damage, as a result of violation of the rules for keeping of weapons, ammunitions, locomotion devices, of technical supplies or other military property, entrusted for use during the service,

Is to be punished by transfer to a disciplinary military unit for a period of up to two years or by imprisonment for the period of up to three years.
(4) The acts set forth in the paragraph (1) of the present article, when committed:

   c) during a war;

   d) in combat conditions,

Is to be punished by imprisonment for the period of two up to seven years.

**Article 382. The violation of the rules for driving or operating machines**

(1) The violation of the rules for driving or operating combat, special or transportation machines, if caused a medium bodily or health injuries or damages on large proportions,

Is to be punished by assignment to a disciplinary military unit for the period of up to two years or by imprisonment for the period of up to three years, in the both cases with or without of depriving the right to drive a vehicle for the period up to two years.

(2) The same actions, when caused:

   a) serious bodily and health harm;

   b) death of a person,

Is to be punished by imprisonment for the period of five up to ten years, with or without depriving of the right to drive a vehicle for the period up to five years.

(3) The acts set forth in the paragraph (1) of the present article, when caused the death of more persons,

Is to be punished by imprisonment for the period of seven to ten years, with deprivation of the right to drive a vehicle for a period up to five years.

**Article 383. The violation of the flight rules or of rules for the flight preparation**

The violation of the flight rules or of rules for the flight preparation, if caused an accident or other serious consequences,

Is to be punished by imprisonment for the period of seven up to fifteen years.

**Article 384. The violation of navigation rules**

The violation of navigation rules, resulting in the sinking, serious deterioration of the ship, human death or other serious consequences,

Is to be punished by imprisonment for the period of seven up to fifteen years.

**Article 385. The surrender or abandonment to the enemy of means for waging war**

The surrender to the enemy, by a commander, of the military forces entrusted to him, as well as unjustified, by the combat situation, abandonment to the enemy of fortifications, combat hardware and other means for waging war,

Is to be punished by imprisonment for the period of sixteen to twenty five years or by life imprisonment.

**Article 386. The arbitrary abandonment of the field of battle or the refusal to use a weapon**

The arbitrary abandonment of the field of battle during combat or the refusal to use a weapon during a battle,

Is to be punished by imprisonment for the period of sixteen to twenty-five years or by life imprisonment.
Article 387. Voluntary surrender to captivity

Voluntary surrender to captivity,

Is to be punished by imprisonment for the period of sixteen up to twenty-five years or by life imprisonment.

Article 388. Criminal actions by military men in captivity

(1) The voluntary participation of a military man while in captivity in works of military significance or in other works which they know might cause harm to the Republic of Moldova or its allies, if these actions do not constitute a treason,

Is to be punished by imprisonment for the period of twelve to twenty years.

(2) Violent acts committed against other war prisoners or cruel treatment against them, committed by a war prisoner in a senior position,

Is to be punished by imprisonment for the period of sixteen to twenty-five years or life imprisonment.

(3) The commission by a military man, who was in captivity, of harmful acts against other war prisoners for the profit interests, or for the purpose of promoting a condescending attitude toward himself on the part of the enemy,

Is to be punished by imprisonment for the period of five up to ten years.

Article 389. Robbing of persons which died on the battle field

Robbing of persons which died on the battle field,

Is to be punished by imprisonment for the period of sixteen up to twenty-five years or life imprisonment.

Article 390. Violent acts against the population in the area of military operations

Robbery, illegal destruction of property, violence as well as appropriation of goods under the pretense of military necessity, committed against the population in the area of military operations,

Are to be punished by imprisonment for the period of sixteen up to twenty-five years or life imprisonment.

Article 391. Serious violations of the International Humanitarian Law committed during military conflicts.

Serious violations of the International Humanitarian Law committed during international or domestic military conflicts, causing serious consequences,

Are to be punished by imprisonment for the period of sixteen up to twenty-five years or life imprisonment.

Article 392. Perfidious use of the emblem of the Red Cross organization as a protecting sign during armed conflicts

The perfidious use of the emblem of the Red Cross organization, as well as of distinctive signs as a protective sign, which caused death or serious bodily injuries, or long term injury to health,

Is to be punished with imprisonment for a period of between five and ten years.

Article 393. Crimes committed by civilians

The criminal responsibility for the actions provided by Articles 389 - 391 shall be also applied to civilians.