

Act IV of 1978

on the Criminal Code

GENERAL PART

Aim of the Criminal Code

Section 1.

Chapter I

Scope of the Criminal Code

Temporal Scope

Section 2.

A crime shall be adjudicated in accordance with the law in force at the time when it is committed. If, in accordance with the new penal laws in force at the time an act is adjudicated, the act is no longer treated as an act of crime or if it draws a more lenient penalty, then the new law shall apply; otherwise, new penal laws have no retroactive application.

Territorial and Personal Scope

Section 3.

(1) Hungarian law shall be applied to crimes committed in Hungary, as well as to any conduct of Hungarian citizens abroad, which are deemed criminal in accordance with Hungarian law.

(2) Hungarian law shall also be applied to criminal acts committed on board of Hungarian ships or Hungarian aircraft situated outside the borders of the Republic of Hungary.

Section 4.

(1) Hungarian law shall be applied to any act committed by non-Hungarian citizens in a foreign country, if:

a) it is deemed a felony in accordance with Hungarian law and is also punishable in accordance with the laws of the country where committed;

b) it is a crime against the state (Chapter X), excluding espionage against allied armed forces (Section 148), regardless of whether or not it is punishable in accordance with the law of the country where committed;

c) it is crime against humanity (Chapter XI) or any other crime that is to be prosecuted under the strength of an international treaty.

(2) Espionage (Section 148) against allied armed forces by a non-Hungarian citizen in a foreign country shall be punishable according to Hungarian penal laws, provided that such offense is also punishable by the law of the country where committed.

(3) In the cases described in Subsections (1)-(2) the indictment shall be ordered by the Attorney General.

Diplomatic Immunity and other Exemption under International Law

Section 5.

The criminal prosecution of persons enjoying diplomatic immunity and other forms of exemption based on international law shall be governed by international agreements, or if non-available, by internationally accepted norms. A definition of internationally accepted norms shall be provided by the minister in charge of the judicial system.

Recognition of a Verdict Rendered by a Foreign Court

Section 6.

Acquisition and Transfer of Jurisdiction for Service of Sentence

Section 7.

Offering of Criminal Proceedings

Section 8.

Extradition and Asylum

Section 9.

Chapter II

The Act of Crime and the Perpetrator

Title I

The Act of Crime

Section 10.

(1) 'Act of crime' means any conduct that is carried out intentionally or - if negligence also carries a punishment - by negligence, that is potentially dangerous for the community of people and that is punishable by law.

(2) An 'act causing danger to society' means any activity or passive negligence that violates or endangers the governmental, social or economic order of the Republic of Hungary, the person or rights of the citizens.

Felony and Misdemeanor

Section 11.

(1) An act of crime is classified either as a felony or a misdemeanor.

(2) Felony is an act of crime perpetrated intentionally and punishable by imprisonment of two or more years. Every other crime is a misdemeanor.

Multiple Offenses

Section 12.

(1) 'Multiple offenses' means when one or more acts committed by the same person results in more than one crime and they are adjudicated in the same proceedings.

(2) A continuous unlawful act or series of acts motivated by a single objective and committed against the same victim in brief intervals is a continuing offense, and not multiple offenses.

Intent and Negligence

Section 13.

An act of crime is committed with intent if the perpetrator desires the consequences of his conduct or acquiesces to these consequences.

Section 14.

An act of crime is committed by criminal negligence if the perpetrator foresees the possible consequences of his conduct, but carelessly relies on their non-occurrence, or fails to foresee the possibility of the consequences with a deliberate indifference or failure to exercise reasonable care.

Section 15.

The more severe legal consequences attached to the result as a qualifying circumstance of the crime may be applied if the perpetrator is charged with negligence in respect of the result.

Title II

Attempt and Preparation

Section 16.

Any person who commences the perpetration of a premeditated crime, but does not finish it, shall be punishable for attempt.

Section 17.

(1) The sentence applicable to a consummated offense shall also be applied for attempt.

(2) The punishment may be reduced without limitation or dismissed altogether if the attempt has been perpetrated on an unsuitable subject or with an unsuitable instrument.

(3) Any person who voluntarily withdraws from the criminal activity before it is committed, furthermore, the person who deliberately attempts to prevent the crime, shall not be liable for prosecution for attempt.

(4) If in the case of Subsections (2) and (3), the attempt in itself constitutes another crime, the perpetrator shall be liable for prosecution for that crime.

Section 18.

(1) If it is expressly prescribed by law, any person who provides for the perpetration of a crime the conditions required therefor or facilitating that, who invites, offers for, undertakes its perpetration, or agrees on joint perpetration, shall be punishable for preparation.

(2) Prosecution for preparation shall not apply against a person:

- a) who voluntarily discontinues his participation in the preparation before the act is committed;
 - b) who withdraws his invitation, offer, undertaking with the aim of the prevention of the perpetration, or attempts to pursue other contributors to withdraw from the criminal activity, provided that the commencement of the perpetration does not take place for any reason whatsoever;
 - c) who informs the authority about the preparation.
- (3) In the cases of Subsection (2), if the preparation constitutes another crime in itself, the perpetrator shall be liable for prosecution for that crime.

Title III

Perpetrators

Section 19.

Parties to a crime include the perpetrator and the coactor (parties to a crime), the abettor and the accomplices (conspirators).

Section 20.

- (1) Perpetrator is a person who actually commits a criminal act.
- (2) Coactors are persons engaged in a criminal act jointly, having knowledge of each other's activities.

Section 21.

- (1) Abettor is a person who intentionally persuades another person to commit a crime.
- (2) Accomplice is a person who knowingly and voluntarily helps another person commit a crime.
- (3) The sentence applicable to parties to a crime shall also be applied for conspirators.

Chapter III

Obstacles of Criminal Prosecution

Title I

Grounds for the Preclusion of Punishability

Section 22.

Punishability shall be precluded by:

- a) infancy;
- b) insanity;
- c) constraint and menace;
- d) error;
- e)
- f) justifiable defense;
- g) extreme necessity (emergency);
- h) absence of private motion;
- i) other grounds defined by law.

Infancy

Section 23.

The person who has not reached the age of fourteen at the time the act was committed shall not be prosecuted.

Insanity

Section 24.

(1) Any person who has committed a criminal act in a compromised mental state, such as insanity, imbecility, diminished mental capacity, disorientation, personality disorder or any defective condition of the mind that deprives a person of the capacity to appreciate the criminality of his conduct or to comprehend the consequences and to conform his conduct accordingly, shall not be prosecuted.

(2) The punishment may be reduced without limitation if the defective condition of the perpetrator's mind deprives him of the capacity to appreciate the criminality of his conduct or to comprehend the consequences, and to conform his conduct accordingly.

Section 25.

The provisions of Section 24 shall not apply to persons who engage in criminal activity in a state of drunkenness or intoxication through their own fault.

Coercion and Duress

Section 26.

(1) Any person who perpetrates an act under undue influence by coercion or duress, depriving him of the capacity to act according to his own free will shall not be liable for prosecution.

(2) The punishment may be reduced without limitation if the coercion or duress deprives the perpetrator of the capacity to act according to his own free will.

Mistake

Section 27.

(1) A person who engages in an act in violation of the law but he was unaware of the circumstances that made his act a crime shall not be liable for prosecution.

(2) Any person who commits an act on the erroneous conclusion that it is not dangerous to society and who has reasonable ground for this presumption shall not be liable for prosecution.

(3) An erroneous conception shall not exclude punishability if it is caused by negligence, and if the act is punishable by law if resulting from negligence.

Negligible Degree of Danger to Society

Section 28.

Justified Defense

Section 29.

(1) No punishment shall be imposed upon a person for any action that is necessary to prevent an unlawful attack against his person or his property or against the person or property of others, against the public interest, or an unlawful attack posing a direct threat in respect of the above.

(2) Any person who exceeds the necessary measure of prevention because he is unable to recognize it due to shock or justifiable aggravation shall not be liable for prosecution.

(3) The punishment may be reduced without limitation if the perpetrator is deprived of the capacity to recognize the necessary degree of prevention due to shock or justifiable aggravation.

Extreme Necessity

Section 30.

(1) Any person who engages in conduct to save his own person or property or the person or property of others from an imminent danger that cannot otherwise be prevented, or acts so in the defense of the public interest shall not be liable for prosecution, provided that the occurrence of the danger is not imputable to him and his act results in lesser harm than that for the prevention of which he made efforts.

(2) No punishment shall be imposed upon a person who causes harm of the same or greater extent than the one for the prevention of which he made efforts for he was unable to recognize the magnitude of the harm due to shock or justifiable aggravation.

(3) The punishment may be reduced without limitation if the shock or justifiable aggravation deprived the perpetrator of the capacity to recognize the magnitude of harm.

(4) The concept of extreme necessity shall not apply to any person whose professional duty includes exposure to danger.

Absence of Private Motion

Section 31.

(1) In the cases defined in this Act an act of crime is punishable only on the basis of a private motion.

(2) The injured party shall be entitled to lodge the private motion.

(3) If the legal capacity of the injured party is diminished, the private motion may also be submitted by his legal representative, and if lacking legal capacity, it may be submitted exclusively by his legal representative. In these cases the guardian authority shall also be entitled to submit the private motion.

(4) If the injured party who is entitled to submit the private motion dies, his relative shall be entitled to submit the private motion.

(5) The motion submitted against any one of the perpetrators shall be effective for all the perpetrators.

(6) A private motion may not be withdrawn.

Title II

Grounds for the Termination of Punishability

Section 32.

Punishability shall be terminated by:

- a) the death of the perpetrator;
- b) lapse of time;
- c) remission;
- d)
- e) other grounds defined in the Act.

Statutes of Limitations

Section 33.

(1) The statute of limitation:

- a) in the case of a felony that is punishable by life imprisonment, it shall expire after twenty years;
- b) in the case of any other crime, it shall expire upon the lapse of time equal to the highest sentence prescribed, or not less than three years.

(2) The statute of limitation of the following crimes shall be perpetual in the case of:

- a) war crimes defined in Sections 11 and 13 of Decree No. 81/1945 (II. 5.) ME amended and supplemented by Decree No. 1440/1945 (V. 1.) ME and enacted by Act VII of 1945;
- b) other crimes against humanity (Chapter XI);
- c) homicide of more severe type or degree [Paragraphs a)-h) of Subsection (2) of Section 166];
- d) kidnapping and of assault against a superior officer or public official of more severe type or degree [Subsection (4) of Section 175/A, Paragraph a) of Subsection (5) of Section 355];
- e) acts of terrorism, seizure of an aircraft, of any means of railway, water or road transport or of any means of freight transport and insurrection of more severe type or degree, if the act causing death is perpetrated intentionally [Paragraph Subsection (1) of Section 261, Subsection (2) of Section 262, Paragraph b) of Subsection (3) of Section 352].

Section 34.

The first day of the period of limitation is:

- a) in case of a consummated offense the day when the crime is actually committed;
- b) in case of attempt and preparation, the day when the act resulting in consequence is carried out;
- c) in case of an act that is considered a crime only if relates to a breach of duty, the day when the perpetrator could discharge his duty without the consequences set out in the penal laws;
- d) in the case of crimes which manifests in the maintenance of an unlawful state, the day when this state ceases to exist.

Section 35.

(1) The statute of limitation shall be interrupted by any act of the authorities acting in criminal proceedings against the perpetrator in connection with the crime. The period of limitation shall restart on the day of the interruption.

(2) If the criminal proceedings are suspended, the period of suspension shall not be included in the period of limitation. This provision may not be applied where criminal proceedings are suspended if the perpetrator cannot be located or if the perpetrator has become mentally ill.

(3) When a criminal proceeding is postponed or suspended on the grounds of personal exemption, and by virtue of the fact that the exemption was not suspended by the body having powers to do so, or because such body did not

consent to have the proceeding started or continued, the period of time of such delay shall not be included in the period of limitations. This provision shall not apply to criminal cases under private prosecution, where the case is presented by the accuser.

(4) In case of probation (Section 72), the period of probation shall not be included in the period of limitations.

(5) If indictment has been postponed by the public prosecutor, the length of this period shall not be included in the period of limitation.

Section 36.

Chapter IV

Punishments and Sanctions

Title I

Punishments

Aim of Punishment

Section 37.

Punishment is the penalty for violating the law. The aim of a punishment is to prevent - in the interest of the protection of society - the perpetrator or any other person from committing an act of crime.

Types of Punishments

Section 38.

(1) Principal punishments are:

- 1) imprisonment,
- 2) community service work,
- 3) fines.

(2) Ancillary punishments are:

- 1) deprivation of civil rights,
- 2) restraint of profession,
- 3) suspension of driving privileges,
- 4) banishment,
- 5) expulsion,
- 6)
- 7) fines as ancillary punishment.

(3) The ancillary punishments specified under Points 2-5 of Subsection (2) above may be imposed independently, in lieu of any principal punishment (Section 88), if all other judicial provisions are satisfied.

Capital Punishment

Section 39.

Imprisonment

Section 40.

- (1) Imprisonment may be imposed for life or for a definitive period of time.
- (2) The shortest and the longest duration of a sentence for a definitive term of imprisonment shall be two months and fifteen years, respectively; or twenty years in respect of cumulative sentences or the merger of sentences, and for crimes committed in affiliation with organized crime.
- (3) Only persons over the age of twenty at the time of commission of the criminal act shall be sentenced to life imprisonment.

Section 41.

- (1) The imprisonment shall be executed in a penal institution, in a penitentiary, prison or correctional institution.
- (2) The procedure for the execution of imprisonment, as well as the obligations and rights of the convicts, are defined in specific other legislation.
- (3) During the term of imprisonment the civil rights and obligations of convicts, which are contrary to the aim of the punishment, in particular those which are also covered by the deprivation of civil rights, shall be suspended.

Section 42.

- (1) Life imprisonment shall be served in a penitentiary.
- (2) Any term of imprisonment for three years or longer shall be served in a penitentiary if imposed for the following crimes:
 - a) a crime against the state or against humanity (Chapters X and XI);
 - b) 1. acts of terrorism (Section 261), seizure of an aircraft, of any means of railway, water or road transport or of any means of freight transport (Section 262), illegal possession of explosives and destructive devices (Section 263), criminal misuse of firearms and ammunition (Subsections (1)-(3) of Section 263/A), criminal misuse of military items and services, and dual-use items and technology (Section 263/B), affiliation with organized crime (263/C), and criminal misuse of weapons prohibited by international convention (Section 264/C);
 - 2) homicide, kidnapping, trafficking in human beings, rape, sexual assault, public endangerment, violation of international economic restrictions and aggravated cases of robbery [Subsection (2) of Section 166, Subsections (2)-(4) of Section 175/A, Subsections (3)-(5) of Section 175/B, Subsections (2)-(3) of Section 197, Subsections (2)-(3) of Section 198, Subsections (2)-(3) of Section 259, Subsection (3) of Section 261/A, Subsections (3)-(4) of Section 321];
 - 3) aggravated cases of criminal misuse of narcotic drugs [Subsection (2) of Section 282, Subsections (2) and (3) of Section 282/A, Subsections (2) and (3) of Section 282/B];
 - c) military offenses carrying a maximum sentence of life imprisonment (Chapter XX).
- (3) Any term of imprisonment for two years or longer shall be served in a penitentiary if the convict is a repeat offender or if sentenced for crimes committed in affiliation with organized crime.

Section 43.

Imprisonment shall be executed in a prison - except for the cases under Section 42 - if:

- a) it has been imposed for a felony;
- b) it has been imposed for a misdemeanor, and the convict is a recidivist.

Section 44.

The imprisonment for a misdemeanor shall be executed in a correctional institution, except if the convict is a recidivist.

Section 45.

(1) If the court applies imprisonment, it shall impose incarceration in a penitentiary, prison, or correctional institution.

(2) In view of the circumstances to be taken into consideration for sentencing (Section 83), in particular the personality of the perpetrator and the motive for the crime, the type of incarceration may be prescribed one degree up or down.

Section 46.

(1) In case of good conduct displayed when serving a term of imprisonment, the court may order that the remainder of the sentence be served in a lesser degree of penal institution; on the other hand, if the convict causes any disturbance repeatedly and severely in the penal institution, the court may order that the remainder of the sentence be served in the next highest degree.

(2) Any decision of the court adopted on the basis of Subsection (1) may be withdrawn in the event of any subsequent change in the conduct of the convict.

(3) The provisions of Subsection (1) shall not apply in connection with a sentence of life imprisonment.

Parole

Section 47.

(1) The court may release a person serving a definitive term of imprisonment on parole, if there is reason to believe - in view the person's good conduct displayed when serving a term of imprisonment and of his willingness to lead the life of a law abiding citizen - that the aim of the punishment may also be achieved without further incarceration.

(2) A person may be released on parole after serving:

- at least four-fifths of his sentence in a penitentiary,
- at least three-fourths of his sentence in a prison,
- at least two-thirds of his sentence in a correctional institution.

(3) If the sentence imposed is for less than three years imprisonment, in cases deserving special consideration, the court may include a clause of eligibility for parole after one-half of the sentence has been served. This provision may not be applied for repeat offenders.

(4) The following may not be released on parole:

- a) any person who has been sentenced to imprisonment for a premeditated crime committed after being previously sentenced for a term of imprisonment, before that term has been served in full;
 - b) any person who served less than two months of his term of imprisonment;
 - c)
 - d) any person sentenced for crimes committed in affiliation with organized crime;
 - e)
- (5)

Section 47/A.

(1) In the event that a sentence of life imprisonment is imposed, the verdict shall establish the earliest date of eligibility for parole, or shall preclude any eligibility for parole.

(2) If the court has not precluded eligibility for parole, the earliest date of release on parole shall be after serving a term of twenty years, or at least a term of thirty years, if the life imprisonment was imposed for a criminal act that is punishable without any period of limitation.

Section 47/B.

(1) If, while serving a term of life imprisonment, a prisoner is sentenced to a specific term of executable imprisonment for a criminal act committed before being sentenced to life imprisonment, the court shall postpone the earliest date of release on parole for the duration of such specific term of imprisonment.

(2) If a prisoner who is released on parole from life imprisonment is sentenced to a specific term of executable imprisonment for a criminal act committed before receiving such sentence of life imprisonment, the court shall revoke the parole and shall postpone the earliest date of release on parole for the duration of such specific term of imprisonment.

(3) If, while serving a term of life imprisonment, a prisoner is sentenced to a specific term of executable imprisonment for a criminal act committed before receiving such sentence of life imprisonment, the court shall postpone the earliest date of release on parole for the duration of such specific term of imprisonment or for a period of not less than five years and not more than twenty years.

(4) If a prisoner who is released on parole from life imprisonment is sentenced to a specific term of executable imprisonment for a criminal act committed while serving such sentence of life imprisonment, the court shall terminate the parole and shall postpone the earliest date of release on parole for the duration of such specific term of imprisonment or for a period of not less than five years and not more than twenty years.

(5) If a prisoner who is released on parole from life imprisonment is sentenced to a specific term of executable imprisonment for a criminal act committed after being released on parole from such life imprisonment, the court shall terminate the parole and shall postpone the earliest date of release on parole for the duration of such specific term of imprisonment or for a period of not less than five years and not more than twenty years.

(6) If the earliest date of release on parole from life imprisonment is suspended due to being sentenced for a specific term of imprisonment under Subsections (1), (2), (4) and (5), the earliest date of release on parole shall be determined upon taking into consideration the time of preliminary detention deducted from the fixed-term sentence, as well as the duration of any house arrest.

Section 47/C.

(1) Persons sentenced to life imprisonment shall be eligible for parole after serving the period of imprisonment determined by the court, and it can be presumed without reasonable doubt that the aim of the punishment may also be achieved without further incarceration.

(2) A person sentenced to life imprisonment may not be released on parole if he is sentenced to another term of life imprisonment. The second sentence of life imprisonment shall not be executed until the previous term of life imprisonment is served.

Section 48.

(1) The duration of parole shall be the same as the remaining part of the term of imprisonment, or not less than one year; or not less than fifteen years in respect of life imprisonment.

(2) If the time remaining from imprisonment is less than one year, and its execution has not been ordered, the sentence shall be deemed upon the last day of the remaining part after the period of parole.

(3) For the duration of parole, but at least for one year, the convict may be placed under the supervision of a parole officer.

(4) The court shall terminate the parole, if the prisoner is sentenced to a term of executable imprisonment for a crime committed during the time when released on parole. If the prisoner is sentenced for another punishment, or if he violates the rules of conduct, the court may terminate the parole.

(5) In case of the termination of parole the time spent on parole shall not be included in the time of imprisonment.

Section 48/A.

(1) If a prisoner is sentenced to more than one specific term of imprisonment which may not be merged, and if granted parole from any of such terms, the prisoner may not be released on the grounds of this parole while serving the other term(s) of imprisonment.

(2) If the court grants parole in connection with more than one prison term, the terms of such parole shall simultaneously apply to all such prison terms.

(3) In the case of Subsection (4) of Section 48, the conditions for the withdrawal of parole shall be assessed separately for each simultaneous parole term.

Community Service Work

Section 49.

(1) Any person sentenced to community service work is obligated to perform the work prescribed for him in the court ruling. The personal freedom of the convict may not otherwise be restricted.

(2) The work prescribed to be performed in community service is be such that the defendant is presumed to be capable of performing, taking into consideration his health condition and education.

(3) Unless otherwise provided for by law, the defendant shall perform the community service work at least on one day per week, on the weekly day of rest or on his day off, without any remuneration.

(4) The shortest duration of community service work shall be one day while its longest duration shall be fifty days. One day of work in community service shall constitute six hours of work.

Section 50.

(1) If the defendant does not voluntarily satisfy his work obligation, his sentence of community service work, or the time remaining shall be replaced by imprisonment. This imprisonment shall be served in a correctional institution.

(2) The term of imprisonment imposed in place of community service work or the time remaining shall be determined such that one day of community service work shall correspond to one day of imprisonment. In such cases the term of imprisonment may be less than two months.

The Fine

Section 51.

(1) When imposing a fine, the amount shall be determined in view of the financial gain achieved or contemplated by the act and divided evenly among a specific number of days, each day representing the same amount of money, determined in accordance with the financial situation and income, and the everyday needs of the perpetrator.

(2) The minimum and the maximum number of days representing a fine shall be between thirty and five hundred forty days. The amount of fine for one day shall be minimum one hundred and maximum twenty thousand forints.

Section 52.

In case of non-payment of a fine it shall be changed into imprisonment to be served in a correctional institution. Each day representing a predetermined portion of the fine shall be substituted by one day of imprisonment. In such cases the term of imprisonment may be less than two months.

Deprivation of Civil Rights

Section 53.

Any person who is sentenced to executable imprisonment for a premeditated criminal act, and is deemed unworthy of the right to participate in public affairs, shall be deprived of these rights.

Section 54.

- (1) Persons deprived of civil rights:
- a) may not participate in the election of the members of a body of popular representation, in any referendum and popular initiative;
 - b) may not hold a public office;
 - c) may not serve in bodies (committees) of popular representation;
 - d) may not accept any office in civil organizations, public corporations and public foundations;
 - e) may not be promoted to any military rank;
 - f) may not be granted a domestic decoration and permission for the acceptance of a foreign decoration.
- (2) Effective as of the operative date of a sentence for the deprivation of civil rights, the person in question shall forfeit:
- a) any membership, position, office, or mandate that is prohibited under Subsection (1);
 - b) his military rank, furthermore, his domestic decoration and the right to bear a foreign decoration.

Section 55.

- (1) The shortest duration of deprivation of civil rights shall be one year, its longest duration shall be ten years.
- (2) The duration of the deprivation of civil rights shall begin by the sentence becoming non-appealable. That period of time, during which the rights affected by the deprivation of civil rights are discontinued pursuant to Subsection (3) of Section 41, and the period of time, during which the convict withdraws himself from the execution of the imprisonment shall not be included therein. If the parole is not terminated, the time spent on parole shall be included in the duration of the deprivation of civil rights.

Restraint of Profession

Section 56.

- (1) Restraint of profession may be imposed upon a person who engaged in a crime:
- a) through the violation of the rules of his/her profession requiring special qualification; or
 - b) knowingly, by using his profession.
- (2) With respect to applying restraint of profession as an ancillary punishment, the concept of profession shall also cover if the offender is a member or director of a body exercising general control of an economic operator, a member of the board of directors or supervisory board of a cooperative, or the executive officer of a business association or a member of its supervisory board, or a private entrepreneur.
- (3) Paragraph a) of Subsection (1) shall also apply to any person who did not work in the profession in question at the time the crime was committed, however, he/she has the necessary qualification for the occupational activity in the exercise of which the offence was committed.

Section 57.

- (1) A restraint of profession may be perpetual or for a specific period of time. A person who is unsuitable or unworthy for the profession in question may have the privilege restrained permanently. The specific term of restraint shall be one year minimum and ten years maximum.

(2) The provision relating to the calculation of the duration of deprivation of civil rights [Subsection (2) of Section 55] shall be applied *mutatis mutandis* in the case of restraint of profession.

(3) When restraint of profession is imposed for a specific term, reinstatement in that profession - if it requires special qualification - may be rendered conditional upon the person in question providing sufficient proof of expertise after the restraint is lifted. The court may exempt a person subject to permanent restraint of profession, if it was ordered ten years before and the person is found suitable or worthy to engage in that profession. No exemption shall be granted if the restraint was ordered in connection with a crime committed in affiliation with organized crime, and the court imposed the restraint perpetually on the grounds of unworthiness.

Suspension of Driving Privileges

Section 58.

(1) Suspension of driving privileges may be applied in connection with a person who is engaged in a crime by the violation of regulations relating to the controlled operation of a motor vehicle, or who uses a motor vehicle for any criminal activity.

(2) The suspension of driving privileges may also apply to specific types of motor vehicles.

Section 59.

(1) The suspension of driving privileges may be perpetual or for a specific period of time. A person who is unsuitable for driving a motor vehicle may have the privilege suspended permanently. The specific term of suspension shall be one year minimum and ten years maximum.

(2) The provision relating to the calculation of the duration of deprivation of civil rights [Subsection (2) of Section 55], as well as the provision relating to the verification of expertise required for a profession, and that relating to the exemption from perpetual restraint [Subsection (3) of Section 57] shall be applied *mutatis mutandis* in the case of the suspension of driving privileges.

Banishment

Section 60.

(1) In the cases defined by law, a person sentenced to imprisonment may be banished from one or more localities or from a designated part of the country, if his stay at these places endangers the public interest.

(2) The shortest duration of banishment shall be one year and its longest duration shall be five years. The provision relating to the calculation of deprivation of civil rights [Subsection (2) of Section 55] shall be applied *mutatis mutandis* in the case of banishment.

Expulsion

Section 61.

(1) Perpetrators of citizenship other than Hungarian, whose presence in the country is not desirable, shall be expelled from the territory of the Republic of Hungary. Persons expelled shall leave the territory of the country and may not return for the duration of the term of expulsion.

(2) Persons granted refugee status pursuant to other laws may not be expelled.

(3) An order of expulsion may be permanent or for a specific term. Permanent expulsion may be imposed against any person who has been sentenced to imprisonment for ten years or more for a crime against the State or against humanity (Chapters X and XI), kidnapping (Section 175/A), trafficking in human beings (Section 175/B), acts of terrorism (Section 261), violation of international economic restrictions (Section 261/A), seizure of an aircraft, of any means of railway, water or road transport or of any means of freight transport (Section 262), illegal possession of explosives and destructive devices [Subsection (2) of Section 263], criminal misuse of firearms and ammunition [Subsection (2) of Section 263/A], criminal misuse of narcotic drugs (Sections 282-282/B), or for crimes committed

in affiliation with organized crime (Point 8 of Section 137), and whose presence in the country would significantly jeopardize public safety in view of the nature of the act and the connections of the perpetrator. Permanent expulsion may not be imposed upon persons having the right of free movement and residence specified in specific other legislation.

(4) The duration of expulsion for a specific term shall be minimum one year and maximum ten years. Expulsion shall take effect upon the judgment becoming definitive. The duration of imprisonment served by the prisoner shall not be included in the term of expulsion.

(5) Upon request, the court may release a person subject to permanent expulsion from the effect of such expulsion if such person is deemed worthy and if ten years have passed since the expulsion.

(6) Expulsion may be imposed upon a person who has the right of free movement and residence under specific other legislation or a person who has been authorized to stay in the territory of the Republic of Hungary under residency or immigrant status only in connection with the commission of a crime that is punishable by imprisonment of five or more years.

(7) Expulsion may only be imposed in connection with the commission of a crime that is punishable by imprisonment of ten or more years upon a person:

- a) who has been living in the territory of the Republic of Hungary legitimately for not less than ten years;
 - b) who is minor;
 - c) whose right to family union would be injured;
- provided that the presence of the perpetrator in the country would significantly jeopardize public safety.

Confiscation of Property

Sections 62-63.

Fine as a Secondary Punishment

Section 64.

(1) The person who is sentenced to a specific term of imprisonment and has sufficient income (earnings) or property:

- a) shall be imposed a fine as a secondary punishment, if engaged in the crime for the purpose of enrichment;
- b) may be imposed a fine as a secondary punishment, if he can be more effectively restrained thereby from the perpetration of another crime.

(2) The minimum and maximum amount of fines imposed as secondary punishment shall be ten thousand and ten million forints, respectively.

(3)

Section 65.

(1) In case of non-payment, the fine as a secondary punishment shall be changed into imprisonment to be served in a correctional institution. If the principal punishment must be carried out, its degree shall also apply for the imprisonment substituting the fine as a secondary punishment.

(2) In respect of the conversion of a fine as a secondary punishment into imprisonment, one day of imprisonment shall be calculated in lieu of an amount from one thousand to fifteen thousand forints. A term of imprisonment in lieu of a fine as a secondary punishment shall be not less than one day and not more than two years.

Reasons Precluding the Execution of Punishment

Section 66.

The execution of a punishment shall be precluded by:

- a) the death of the convict;
- b) statute of limitation;
- c) remission;
- d) other reasons defined in the Act.

Terms of Limitation for Punishment

Section 67.

(1) The term of limitation of a principal punishment is:

- a) twenty years in case of imprisonment of fifteen years or a more serious punishment;
- b) fifteen years in case of imprisonment of ten or more years;
- c) ten years in case of imprisonment of five or more years;
- d) five years in case of imprisonment of less than five years;
- e) three years in case of community service work or a fine.

(2) The term of limitation of expulsion is:

- a) ten years if ordered for five years or more;
- b) five years if ordered for less than five years.

(3) The term of limitation of a fine is three years.

(4) The term of limitation shall be perpetual for any sentence of imprisonment for fifteen years or a more severe punishment imposed for war crimes defined in Sections 11 and 13 of Decree No. 81/1945 (II. 5.) ME amended and supplemented by Decree No. 1440/1945 (V. 1.) ME and enacted by Act VII of 1945, and for sentences imposed for other crimes against humanity (Chapter XI).

Section 68.

(1) The term of limitation of the principal punishment shall commence on the operative date of sentence, or, if the sentence is suspended, upon the expiry of the probation period. If the prisoner escapes from custody, the term of limitation shall restart as of the day of the escape.

(2) The term of limitation of expulsion shall commence, if ordered in addition to a principal punishment, on the day when the principal punishment is concluded or when it is no longer executable, or shall commence on the operative date of the judgment in other cases.

(3) The term of limitation of a fine as a secondary punishment shall commence on the day when the principal punishment is concluded or when it is no longer executable, or, if the sentence is suspended, upon the expiry of the probation period.

(4) The term of limitation shall be interrupted by any action taken against the perpetrator in connection with the crime. The period of limitation shall restart on the day of the interruption.

(5) In case of the application of a fine as a secondary punishment, any action taken either for the principal punishment or the ancillary punishment shall interrupt the term of limitation in both cases.

Preclusion of Carrying Out a Sentence of Life Imprisonment

Section 69.

In case of life imprisonment, imprisonment of definitive duration and community service work may not be executed.

Title II

Sanctions

Types of Sanctions

Section 70.

(1) Sanctions are:

- 1) reprimand;
- 2) probation;
- 3) involuntary treatment in a mental institution;
- 4) forced cure of alcoholics,
- 5) confiscation;
- 6) civil forfeiture;
- 7) supervision by probation officer;
- 8) sanctions in connection with the criminal liability of legal persons.

(2) The sanctions listed in Points 1-3 of Subsection (1) may be applied independently, instead of a punishment, the sanction indicated in Point 4 may be applied in addition to a punishment, the sanction indicated in Points 5 and 6 may be applied independently and in addition to a punishment, the sanction indicated in Point 7 may be applied in addition to a punishment or sanction.

(3) The sanctions referred to in Point 8 of Subsection (1) shall be governed under specific other legislation.

Reprimand

Section 71.

(1) Any person who engages in an act that represents a negligible degree of danger to society at the time of judgment or none at all, rendering unnecessary even the most lenient sentence applicable in accordance with the law or any other sanction - other than confiscation and civil forfeiture - shall be reprimanded.

(2) In issuing a reprimand the authority expresses its disapproval and conveys its admonition advising against engaging in any criminal activity in the future.

Probation

Section 72.

(1) The court may suspend a sentence on probation if it is for an infraction or felony punishable by imprisonment of up to three years if there is substantial reason to believe that it will serve the purpose of rehabilitation.

(2)-(3)

(4) A repeat offender may not be sentenced to a term of probation.

(5) The term of probation may be minimum one year and maximum three years; the duration shall be defined in years.

(6) The probationer may be put under the supervision of a probation officer. If the probationer is a recidivist he must be placed under the supervision of a probation officer.

Section 73.

(1) The term of probation may be extended once, by not more than one year, if the probationer violates the rules of conduct of the probation.

(2) The probation shall be terminated and punishment shall be imposed if the probationer gravely violates the rules of conduct of probation or engages in any criminal conduct while on probation, or if sentenced under the term of probation for a crime committed while on probation.

(3) Apart from the case referred to in Subsection (2), following the term of probation all charges against the probationer are dismissed.

Involuntary Treatment in a Mental Institution

Section 74.

(1) A person engaged in a violent crime against a person or in a punishable act causing public danger shall be subjected to treatment in a mental institution if he is not liable for prosecution due to his mental condition, and there is reason to believe that he will commit a similar act, if the same crime is otherwise subject to imprisonment of one year or more.

(2) Involuntary treatment in a mental institution shall be executed in a closed institution designated for this purpose.

(3) Involuntary treatment in a mental institution shall be terminated if it is no longer justified.

Forced Cure of Alcoholics

Section 75.

The forced curing of a perpetrator may be ordered, if his crime is in connection with his way of life as an alcoholic, and he is sentenced to an executable imprisonment exceeding six months.

Section 76.

Confiscation

Section 77.

(1) An object shall be confiscated:

- a) which is actually used or intended to be used as an instrument for the commission of a criminal act;
- b) the possession of which constitutes an endangerment to public safety or is illegal;
- c) which is created by way of a criminal act;
- d) for which the criminal act was committed, or that was used for the transportation of this object in connection with the criminal act after the fact.

(2) Media products, in which a criminal act is realized, shall be confiscated.

(3) In the cases defined under Paragraphs a) and d) of Subsection (1) confiscation shall not be ordered if the object is not owned by the perpetrator, unless the owner was aware of the perpetration of the criminal act, and unless confiscation is prescribed mandatory by international convention.

(4) Confiscation shall be ordered, even if the perpetrator cannot be prosecuted due to being a minor or to a mental disorder, or if the perpetrator had been reprimanded.

(5) No confiscation shall be ordered after the lapse of the statute of limitations for the punishment of the act, or beyond a period of five years.

(6) Confiscation of an object shall not be ordered if it falls within the scope of civil forfeiture.

(7) Confiscated objects shall devolve upon the State unless otherwise prescribed by law.

Section 77/A.

(1) In the cases under Paragraphs a) and d) of Subsection (1) of Section 77, confiscation may be foregone in exceptional cases, if it entailed an unreasonable burden to the perpetrator or the owner, disproportionate to the gravity of the criminal act, provided the omission of confiscation is not precluded by any international obligation.

(2) Subsection (1) shall not apply in connection with crimes committed in affiliation with organized crime.

Civil Forfeiture

Section 77/B.

(1) The following shall be subject to civil forfeiture:

a) any financial gain or advantage resulting from criminal activities, obtained by the offender in the course of or in connection with, a criminal act;

b) any financial gain or advantage obtained by an offender in connection with crimes committed in affiliation with organized crime;

c) any financial gain or advantage that was used to replace the financial gain or advantage obtained by the offender in the course of or in connection with, a criminal act;

d) any property that was supplied or intended to be used to finance the means used for the commission of a crime, the conditions required therefor or facilitating that;

e) any property embodying the subject of financial gain.

(2) Any financial gain or advantage resulting from criminal activities, obtained by the offender in the course of or in connection with, a criminal act, also if it served the enrichment of another person, shall be seized subject to civil forfeiture. If such gain or advantage was obtained by an economic operator, it shall be subject to forfeiture.

(3) In the event of death of the perpetrator or the person profiteering as specified in Subsection (2), or the economic operator was transformed, the property transferred by succession shall be seized from the successor in title as specified in Subsection (1).

(4) In the case referred to in Paragraph b) of Subsection (1), all assets obtained by the perpetrator during his involvement in organized crime shall be subject to forfeiture until proven otherwise.

(5) The following property cannot be seized:

a) that is reserved to cover any civil claim awarded during the criminal proceeding;

b) that was obtained in good faith for consideration;

c) in the case referred to in Paragraph b) of Subsection (1), if the property is proven to be legitimate.

Section 77/C.

(1) Civil forfeiture shall be ordered for a specific sum:

a) if the property is no longer accessible;

b) if the property to be seized subject to forfeiture under Section 77/B cannot be separated from other assets, or it would impose unreasonable difficulties;

c) in the case defined in Paragraph b) of Subsection (5) of Section 77/B.

(2) Civil forfeiture shall be ordered, even if the perpetrator cannot be prosecuted due to being a minor or to a mental disorder, or if the perpetrator had been reprimanded.

(3) Seized assets shall become the property of the State unless prescribed by law to the contrary.

(4) For the purposes of Sections 77/B and 77/C, any profits, intangible assets, claims of any monetary value and any financial gain or advantage shall be deemed assets.

Close Confinement

Sections 78-81.

Supervision by Probation Officer

Section 82.

(1) A person may be placed under the supervision of a probation officer if it is necessary to facilitate the reason for his release on parole (Section 48) or being sentenced to a term of probation (Section 72, Section 89). A recidivist released on parole or sentenced to a term of probation [Subsection (6) of Section 72, Subsection (6) of Section 89], and any person whose indictment has been postponed shall be placed under supervision by a probation officer. A person sentenced to expulsion may not be placed under the supervision of a probation officer.

(2) The court ruling may also contain provisions for placing a person under the supervision of a probation officer if released on parole, and it may also prescribe specific rules of conduct.

(3) The duration of supervision by a probation officer defined in Subsections (1)-(2) shall be identical to the duration of parole, probation or postponed indictment; however, it shall not exceed five years.

(4) Any person who has been placed under the supervision of a probation officer shall abide by the rules of conduct prescribed in legal regulations or by resolution, maintain regular contact with the probation officer and give him the information necessary for control.

(5) The ruling of the court, or the prosecutor where indictment has been postponed, may include specific rules of conduct to prescribe obligations and prohibitions with a view to the objectives of probation or parole. The court or the prosecutor may order that the person released on parole:

- a)* must not maintain any contact with a specific person who took part in the commission of a crime;
- b)* must stay away from the victim of the crime, or from his/her residence, place of work or the educational institution he/she may attend;
- c)* must refrain from visiting certain specific public places;
- d)* must refrain from consuming alcoholic beverages in public;
- e)* must report at a specific place and at specific intervals, at a specific organ or person;
- f)* must contact the government employment agency, or report to the local authorities for community service work;
- g)* must pursue specific studies;
- h)* must receive - subject to his/her consent - medical treatment or a therapeutic, curative procedure;
- i)* must attend group functions arranged by the probation officer or other programs organized by the community program officer of the National Parole Board.

(6) Apart from the rules of conduct contained in Subsection (5), the court or the prosecutor may prescribe additional ones, with particular regard to the nature of the crime, the extent of damage and the social integration of the perpetrator.

Chapter V

Sentencing

Sentencing Principles

Section 83.

(1) Punishment, with due consideration of its intended objective (Section 37), shall be imposed within the framework provided for by law, as consistent with the danger to society represented by the nature of the criminal act and by the perpetrator, with the degree of culpability and with other aggravating and mitigating circumstances.

(2)-(4)

Section 84.

Cumulative Sentences

Section 85.

- (1) In case of multiple offenses (Section 12) a single cumulative sentence shall be imposed.
- (2) The principal punishment shall be imposed according to the one prescribed for the gravest of the multiple offenses to which it pertains.
- (3) If, in respect of a multiple count of charges, the imposition of imprisonment for a specific term is prescribed by law in respect of at least two of such criminal acts, the upper limit of applicable punishment set forth in Subsection (2) shall be increased by one-half, but may not reach the total duration of the maximum sentences established for such criminal acts.

Section 85/A.

- (1) In the case of a waiver of right to trial (CPC, Chapter XXVI) the provisions of Subsections (1)-(2) of Section 85 shall apply, however, for multiple counts of criminal acts the principal punishment shall be imposed according to the one prescribed for the gravest of the multiple offenses as prescribed in Section 87/C.
- (2) In the case of waiver of right to trial (Chapter XXVI of the CPC), if the law prescribes imprisonment for a specific term in respect of at least two of the crimes included in the multiple count of criminal acts, the maximum sentence prescribed in Section 87/C shall be increased by one-half, however, it may not reach the sum total of the sentences which may be imposed for such crimes pursuant to Section 87/C.

Section 86.

- (1) In case of multiple offenses, any ancillary punishment applicable for any one of the multiple counts of crimes may be imposed.
- (2) The ancillary punishment may not exceed the highest measure or duration prescribed in this Act in the case of cumulative sentences.

Mitigation of Punishment

Section 87.

- (1) A principal punishment more lenient than the punishment applicable may be imposed, if its lowest measure is deemed too harsh in accordance with the provisions of Section 83.
- (2) Within the meaning of Subsection (1), if the sentence to be imposed for a criminal act is:
 - a) ten years of imprisonment, it may be reduced to a minimum of five years of imprisonment;
 - b) five years of imprisonment, it may be reduced to a minimum of two years of imprisonment;
 - c) two years of imprisonment, it may be reduced to a minimum of one year of imprisonment;
 - d) one year of imprisonment, it may be reduced to a lesser term or community service work, or a fine if the above sentence is deemed excessive in view of the personal circumstances of the perpetrator deserving special consideration;
 - e) less than one year of imprisonment, it may be reduced to community service work or a fine.
- (3) In respect of an attempted criminal act or aiding and abetting a criminal act, if the sentence to be imposed under Paragraphs a)-d) of Subsection (2) remains overly severe, the next sentencing category of Subsection (2) shall be applied.
- (4) If this Act allows unlimited mitigation, the smallest measure of any type of punishment may be imposed.
- (5)

Section 87/A.

Section 87/B.

Sentencing in the Case of Waiver of Right to Trial

Section 87/C.

In the case of waiver of right to trial (CPC, Chapter XXVI) the term of imprisonment may not exceed

- a) three years in respect of crimes punishable by more than five but less than eight years of imprisonment;
- b) two years in respect of crimes punishable by more than three but less than five years of imprisonment;
- c) six months in respect of crimes punishable by imprisonment of up to three years.

Ancillary Punishment Applied in lieu of Principal Punishment

Section 88.

Ancillary punishment may be applied in lieu of principal punishment, as an independent punishment, if the sentence prescribed for the crime is less severe than three years of imprisonment, and the aim of punishment may be achieved in this way. Only one ancillary punishment may be imposed as an independent punishment.

Suspension of Sentence

Section 89.

(1) The carrying out of an imprisonment not exceeding one year or of a fine may be suspended on probation, if there is reason to believe - particularly in view of the personal circumstances of the perpetrator - that the aim of the punishment may also be achieved this way.

(2) In cases deserving special consideration the carrying out of an imprisonment longer than one year but not exceeding two years may also be stayed.

(3) The period of probation of a fine shall be one year; imprisonment imposed for a misdemeanor offense may be suspended for a period of one to three years, while imprisonment imposed for a felony offense may be suspended for a period of two to five years. The period of probation shall be determined in years and may not be less than the term of imprisonment imposed.

(4) If a perpetrator is sentenced several times to the punishment of the same type, suspended for probation, and the period of probation of neither of the punishments has expired, the probation period of the previous sentence shall be extended to the expiry of the period of probation of the latter punishment.

(5) If a perpetrator is incarcerated on account of which the suspended sentence cannot be carried out, the period of probation shall be extended by the duration of the imprisonment.

(6) Simultaneously with the suspension of carrying out a sentence of imprisonment the perpetrator may be placed under the supervision of a probation officer. If the perpetrator is a recidivist he must be placed under the supervision of a probation officer.

Section 90.

Carrying out a sentence may not be suspended if:

a) it pertains to a premeditated criminal act that has been committed within the term of imprisonment or during the period of probation of its suspension;

b)

c) it pertains to crimes committed in affiliation with organized crime.

d)-e)

Section 91.

- (1) A suspended sentence shall be carried out if:
 - a) it is established during the period of probation that it has been suspended in contradiction of the precluding reasons specified in Section 90;
 - b) the perpetrator is sentenced to executable imprisonment for a crime committed during the period of probation;
 - c) the perpetrator gravely violates the rules of conduct of the probation.
- (2)
- (3) A suspended fine shall be enforced if the perpetrator is sentenced to suspended imprisonment, community service work or enforceable fine for a crime committed during the period of probation.

Section 91/A.

In the event that a suspension of punishment is granted for reasons of clemency, the provisions pertaining to the carrying out of a suspended sentence [Paragraphs b) and c) of Subsection (1) and Subsection (3) of Section 91] shall be duly applied when ordering the execution of such punishment.

Merger of Sentences

Section 92.

- (1) If the perpetrator is sentenced to more than one specific term of imprisonment, and if the perpetrator has committed all crimes prior to the first sentence becoming definitive, the sentences imposed in a final verdict shall be included in a single sentence.
- (2) Merger may include sentences for terms of imprisonment without probation, that were still pending at the time when ordering the merger of sentences, or which are being served continuously.
- (3) Where a suspended sentence is to be carried out eventually, for the purposes of merger it shall be hereinafter treated as a term of imprisonment without probation.
- (4) Terms of imprisonment substituting a fine or community service work (Section 50, Section 52) may not be merged.

Section 93.

The term of merged sentences shall be determined as if imposing a cumulative sentence. Nonetheless, the term of merged sentences shall be at least equal to the most severe sentence, however, it may not amount to the combined duration of all sentences.

Section 94.

- (1) In the case of the merger of offenses for which imprisonment is imposed to be executed in different degrees, the merged sentences shall be carried out in the most severe degree. However, if the term of imprisonment imposed in a merger of sentences is for three years or more, or, in case of a repeat offender, two or more years, the merged sentence shall be carried out in the degree determined accordingly.
- (2) If the degree of execution to be established by the application of Subsection (1) would constitute an unreasonable disadvantage for the convict, a lesser degree may be authorized.

Section 95.

Section 96.

(1) Ancillary punishments may not be merged, and similarly, an imprisonment substituting a fine may not be merged either.

(2) From among the ancillary punishments of the same duration - with the exception of a fine as a secondary punishment - the one that is more disadvantageous for the convict shall be carried out. This concept shall also apply to ancillary punishments applied in lieu of a principal punishment.

Provisions Relating to Habitual and Repeat Offenders

Section 97.

(1) In respect of habitual and repeat offenders - unless this Act provides otherwise - the upper limit of the sentence prescribed for a new act of crime shall increase by half in case of imprisonment, however, it may not exceed fifteen years. In respect of cumulative sentences and in respect of the waiver of right to trial, the term of punishment set forth in Subsection (2) of Section 85 and in Section 87/C, respectively, shall be increased by one-half.

(2) The punishment may be mitigated on the basis of Subsection (2) of Section 87 only in cases deserving special consideration.

(3) The more severe legal consequences set forth in Subsection (1) shall not be applied if the Special Part of this Act prescribes sentencing for habitual recidivists to consider such as an aggravating circumstance.

Crimes Committed as an Activity of Organized Crime

Section 98.

(1) Any person who has knowingly committed a criminal act in affiliation with organized crime (Point 8 of Section 137) that is punishable by imprisonment of five years or more, shall be subject to double the upper limit prescribed for the crime in question, however, it shall not exceed twenty years. In respect of cumulative sentences and the waiver of right to trial, the terms of punishment specified in Subsection (2) of Section 85 and in Section 87/C shall apply, respectively.

(2)

(3) Any person committing a crime in affiliation with organized crime shall be subject to expulsion as an ancillary punishment.

(4) Upon conviction for a crime committed in affiliation with organized crime, the legal consequences prescribed in this Act for crimes committed in criminal conspiracy cannot be applied.

Inclusion of Preliminary Detention and House Arrest

Section 99.

(1) The entire duration of preliminary detention shall be included in the final sentence, whether it is a term of imprisonment, community service work, a fine or a fine as an ancillary punishment.

(2) For the purposes of inclusion, one day of preliminary detention shall correspond to one day of community service work or to one day's worth of fine.

(3) For the inclusion of house arrest, one day of community service work or one day's worth of fine shall correspond to one day, and one day of imprisonment shall, depending on the degree of security of the imprisonment, correspond to three to five days of house arrest as consistent with the court decision.

(4) If any duration of house arrest remains after the inclusion under Subsection (3), it shall be counted as one day of imprisonment.

(5) Where the inclusion concerns a fine, the amount-per-day ratio shall be calculated according to the formula set out in Subsection (2) of Section 65.

Chapter VI

Exoneration from Aggravating Circumstances upon Prior Conviction

Scope of Exoneration

Section 100.

(1) Unless otherwise provided for by law, upon exoneration the convicted person in question is relieved from the detrimental consequences which are attached by law to any prior conviction.

(2) The person cleared by exoneration shall be deemed to have a clean criminal record, and - unless otherwise provided for by law - he cannot be required to give account of any conviction from which he has been exonerated.

(3) Where a new act of crime is committed, the exoneration shall not extend to those detrimental consequences which are attached by this Act to a previous conviction.

Mode of Exoneration

Section 101.

The convict may be exonerated:

- a) by the force of the law;
- b) on the basis of a court decision;
- c) by an act of clemency.

Statutory Exoneration

Section 102.

(1) Exoneration shall take effect by the force of the law:

a) in connection with community service work, a fine and ancillary punishment applied in lieu of a principal punishment, on the day the sentence is rendered final, with the exception of the right to practicing profession or exercising driving privileges in the case of restraint of profession or suspension of driving privileges;

b) in case of a suspended sentence, on the last day of the probation period;

c) in case of any term of imprisonment imposed due to a negligent misdemeanor, on the last day of serving the term of imprisonment or the last day of the term of limitation;

d) in case of imprisonment of one year or less imposed for a premeditated criminal act, after a period of three years following the last day of serving the term of imprisonment or the last day of the term of limitation;

e) in case of imprisonment between one year and five years imposed for a premeditated criminal act, after a period of five years following the last day of serving the term of imprisonment or the last day of the term of limitation;

f) in case of imprisonment of a specific term of five years or more imposed for a premeditated criminal act, after a period of ten years following the last day of serving the term of imprisonment or the last day of the term of limitation.

(2) In case of Paragraph b) of Subsection (1), the exoneration shall not take effect or it shall be withdrawn if the sentence is ordered to be carried out. In such a case, the rules of non-suspended sentences shall apply to exoneration.

(3)

Judicial Exoneration

Section 103.

(1) The court may, upon request, exonerate a person sentenced to executable imprisonment for a premeditated criminal act, if found worthy, and half of the period defined in Paragraphs d), e) or f) of Subsection (1) of Section

102 has already lapsed following the last day of serving the term of imprisonment or the last day of the term of limitation.

(2) Worthiness shall be determined in light of the way of life the person has conducted since having served the principal punishment, furthermore, whether he has remedied the injury caused by his act to the extent possible.

Section 104.

(1) The court may grant preliminary exoneration, if it suspends the sentence of imprisonment and the person in question is found worthy for exoneration.

(2) The preliminary exoneration shall be withdrawn if the suspended sentence is ordered to be carried out.

Uniform Exoneration

Section 105.

(1) In case of the application of an ancillary punishment, a person shall not be relieved from the detrimental consequences attached to prior convictions, and he may not be exonerated, until the ancillary punishment is carried out or the term of limitation has expired.

(2) The provision contained in Subsection (1) shall not apply to a fine as a secondary punishment, if preliminary judicial exoneration is granted, or to restraint of profession or suspension of driving privileges that has not been executed or that did not cease to be enforceable, in which case the sentenced person is relieved from the detrimental consequences attached to prior convictions, with the exception of the right to practicing profession or exercising driving privileges.

Exoneration by Act of Clemency

Section 106.

(1) The person exercising executive clemency may grant exoneration to a person by an act of clemency if this may not take place otherwise in accordance with this Act.

(2) A person exonerated by an act of clemency shall be deemed to have a clean criminal record in respect of the detrimental consequences outside the penal framework related to the conviction.

Chapter VII

Provisions Relating to Juveniles

The Juvenile

Section 107.

(1) 'Juvenile offender' means any person between the age of fourteen and eighteen at the time of committing a crime.

(2) The provisions of this Act shall apply to juveniles with the exceptions set out in this Chapter.

Voluntary Restitution

Section 107/A.

Any juvenile who has committed a crime against another person (Chapter XII, Titles I and III), a traffic offense (Chapter XIII) or any crime against property (Chapter XVIII), punishable by imprisonment of up to five years, shall not be liable for prosecution if he has agreed to compensate the injured party for the damages caused by the criminal act, or to provide any other form of restitution by way of a meditation process.

Application of Punishments and Sanctions

Section 108.

(1) The most important objective of any punishment or sanction imposed upon a juvenile is to positively influence the juvenile's development to become a useful member of society.

(2) A punishment shall be imposed when the application of a sanction appears to be impractical.

(3) A sanction or punishment involving any length of incarceration may only be applied if the aim of the sanction or punishment cannot otherwise be achieved.

Punishments and Sanctions

Section 109.

(1)

(2) A juvenile may be sanctioned to confinement in a reformatory institution.

Imprisonment

Section 110.

(1) The shortest term of imprisonment to be imposed against juvenile offenders shall be one month for all types of criminal acts.

(2) The longest term of imprisonment that may be imposed against a juvenile offender over the age of sixteen at the time the crime is committed shall be:

a) fifteen years for a crime that carries the maximum sentence of life imprisonment;

b) ten years for a crime that carries the minimum sentence of ten years imprisonment.

(3) The longest term of imprisonment that may be imposed against a juvenile offender below the age of sixteen at the time the crime is committed shall be ten years for a crime that carries the maximum sentence of life imprisonment.

(4) In addition to what is contained in Subsections (2) and (3), the longest term of imprisonment that may be imposed against a juvenile offender shall be five years for a crime that carries the minimum sentence of five years imprisonment.

(5) When calculating the deadline of term of limitation and for the purposes of the provisions pertaining to repeat offenders, the duration specified in Subsections (2)-(4) shall be applied.

Section 111.

(1) The imprisonment of a juvenile shall be carried out in a penal institution for juvenile offenders.

(2) The imprisonment shall be carried out in a prison for juvenile offenders if:

a) the juvenile is sentenced to imprisonment of two years or more for a felony;

b) the juvenile sentenced to imprisonment of one year or more is a recidivist, or prior to having committed a premeditated criminal act he was sentenced to confinement in a reformatory institution for a premeditated criminal act.

(3) Apart from the cases defined in Subsection (2), a sentence of imprisonment shall be carried out in a correctional institution for juvenile offenders.

(4) If the person convicted has reached the age of twenty-one at the time of commencing the imprisonment, or reaches it during the term of imprisonment, the court shall define the degree of the security of imprisonment on the basis of Sections 42-44.

Parole

Section 112.

(1) A juvenile may be released on parole from imprisonment if:

- a) he has served at least three-fourths of his sentence to be served in a prison for juveniles;
- b) he has served at least two-thirds of his sentence to be served in a correctional institution for juveniles.

(2)

Community Service Work

Section 113.

Community service work may only be imposed against juvenile offenders over the age of eighteen at the time of sentencing.

The Fine

Section 114.

- (1) A fine may be imposed on a juvenile offender if he has independent earnings (income) or appropriate assets.
- (2) The fine and the fine as a secondary punishment shall be changed into imprisonment if it cannot be collected.

Deprivation of Civil Rights

Section 115.

A juvenile may be deprived of his civil rights only if sentenced to a term of imprisonment over one year.

Banishment

Section 116.

A juvenile who lives in an appropriate family environment may not be banned from the locality in which his family is living.

Probation

Section 117.

- (1) A juvenile offender may be sentenced to a term of probation in connection with any crime.
- (2) The period of probation may be between one and two years; the duration shall be defined in years and months.
- (3) The court shall order confinement in a reformatory institution or impose punishment in the case contained in Subsection (2) of Section 73.

Confinement in a Reformatory Institution

Section 118.

- (1) The court shall order confinement in a reformatory institution if proper education of the juvenile can only be provided in an institution.
- (2) The duration of confinement in a reformatory institution may be between one year to three years.
- (3) The court may temporarily release a juvenile who has served at least one year in the reformatory institution if he has served half of the term imposed, if there is reason to believe that the aim of the sanction may also be achieved without further confinement in the reformatory institution. The duration of temporary release shall be the remaining part of confinement, or at least one year.
- (4) The court shall terminate the temporary release if the juvenile is sentenced to any term of imprisonment confinement in a reformatory institution for a crime committed during the temporary release. Temporary release may also be terminated if the court imposes another punishment or applies another sanction against the juvenile, or if the juvenile violates the rules of conduct while under supervision by a probation officer.
- (5) In case of the termination of temporary release the period spent on temporary release may not be included in the term of confinement in the reformatory institution.
- (6) Any person who has reached the age of nineteen shall be released from the reformatory institution.

Supervision by Probation Officer

Section 119.

A juvenile sentenced to imprisonment subject to suspension or to a term of probation, released on parole, temporarily released from a reformatory institution, and any juvenile against whom indictment has been postponed, must be placed under the supervision of a probation officer.

Cumulative Sentences and Merger of Sentences

Section 120.

- (1) Cumulative and merged sentences may not exceed twenty years imprisonment in the case of Paragraph a) of Subsection (2), fifteen years in the case of Paragraph b) of Subsection (3) and seven years and six months imprisonment in case of Subsection (4) of Section 110.
- (2) Where confinement in a reformatory institution and imprisonment is imposed concurrently, the imprisonment shall be carried out. The term of this imprisonment may be extended by not more than one year, if it is deemed necessary for achieving the aim defined in Section 108. However, the duration of the extension may not amount to the remaining part of confinement in the reformatory institution.
- (3)

Collective Sanctions

Section 120/A.

(1) If the court has sentenced a juvenile to several terms of confinement in a reformatory institution that were still pending at the time when ordering a collective sanction, or which are being served continuously, the court shall order the juvenile to confinement in a reformatory institution as a collective sanction.

(2) The term of confinement in reformatory institution ordered as a collective sanction shall be imposed at least for the term of the longest term of confinement, not to exceed the combined terms of confinements ordered. The term of confinement in a reformatory institution may not exceed three years even in such cases.

Inclusion of Preliminary Detention

Section 120/B.

(1) The entire duration of preliminary detention shall be included in the term of confinement in a reformatory institution as ordered.

(2) For the purposes of inclusion, one day of preliminary detention shall correspond to one day of confinement in a reformatory institution.

Exoneration from Aggravating Circumstances upon Prior Conviction

Section 121.

(1) A juvenile offender shall be exonerated by the force of law:

- a) on the day the sentence is rendered final, if the sentence of imprisonment is suspended;
- b) on the last day of serving the term of imprisonment or the last day of the term of limitation, if sentenced to imprisonment of one year or less for a premeditated criminal act;
- c) after a period of three years following the last day of serving the term of imprisonment or the last day of the term of limitation, if sentenced to imprisonment between one to five years for a premeditated criminal act.

(2) The court may grant exoneration for a juvenile offender at request, after having served a term of imprisonment of one year or more and imposed for a premeditated criminal act if he is found worthy of exoneration.

(3) The exoneration of a juvenile is not impeded by the fact that the enforcement of the fine as a secondary punishment has not yet finished, or its term of limitation has not yet expired.

Chapter VIII

Provisions Relating to Military Personnel

The Perpetrators

Section 122.

(1) For the purposes of this Act, members of the effective force of the Hungarian Armed Forces, and the professional staff members of the police, the department of corrections and the civil national security services shall be deemed servicemen.

(2) The provisions of this Act shall apply to military personnel subject to the exceptions set out in this Chapter.

(3)

(4) A military crime may only be committed by military personnel as perpetrator.

Criminal Acts Committed Against a Soldier of Another State

Section 122/A.

(1) The provisions of Chapter XX shall be applied in respect of military personnel for having committed the criminal act defined therein:

- a) against a soldier of an allied army; or
- b) against a soldier of another State when stationed in a foreign theater of operations and engaged in humanitarian activities, peacekeeping or humanitarian operations acting upon the request of the United Nations or another international organization, or during any other foreign service, while engaged in joint maneuvers.

(2) For the purposes of Paragraph a) of Subsection (1) a soldier of an allied armed force shall mean a member of the police or civil defense service of the State of such allied armed force; and a soldier of another State and a member of the police or civil defense service of another State as well for the purposes of Paragraph b).

Section 122/B.

The provisions of Chapter XX shall also be applied in respect of military personnel for having committed the criminal act defined therein while serving in the allied armed forces or while engaged in humanitarian activities, peacekeeping or in a humanitarian mission acting upon the request of the United Nations or another international organization.

Grounds for the Preclusion of Punishability

Section 123.

(1) A soldier may not be punishable for any act executed as commanded, except if he knew that carrying out the command constituted a criminal activity.

(2) The person giving the command shall be liable for the crime committed upon being commanded as perpetrator.

(3)

Grounds for the Termination of Punishability

Section 124.

With the exception of the case set forth in Subsection (2) of Section 73, a perpetrator shall not be liable for prosecution for a military offense after one year from the date of being discharged from service.

Judgment of a Crime within Disciplinary Authority

Section 125.

Application of Capital Punishment

Section 126.

Execution of Imprisonment in a Military Guardhouse

Section 127.

(1) If the convicted person may be retained in service, servicemen shall serve the imprisonment imposed for a term of one year or less in a military guardhouse in the case set forth in Section 44.

(2) If the service relationship of the convict has terminated, the punishment or its remaining part shall be served in a correctional institution.

Merger of Sentences

Section 128.

The carrying out of a term of imprisonment imposed upon the merger of sentences shall be governed by Section 127.

Exclusion of the Application of Community Service Work

Section 129.

Community service work may not be applied against military personnel during the life of his service relationship.

Ancillary Punishments under Military Law

Section 130.

(1) Military personnel may be subject to the following ancillary punishments if not deprived of civil rights:

- a) demotion;
- b) dishonorable discharge from service;
- c) set-back in rank;
- d) extension of waiting time.

(2) The ancillary punishments listed in Paragraphs a) and b) of Subsection (1) may also be applied independently, in lieu of a principal punishment.

Demotion

Section 131.

(1) 'Demotion' means when a soldier is deprived of his rank.

(2) Demotion shall be applied if the perpetrator became unworthy of a rank.

Dishonorable Discharge

Section 132.

Dishonorable discharge may be applied if the perpetrator is deemed unworthy of service.

Set-back in Rank

Section 133.

(1) 'Set-back in rank' means when a soldier is moved back one rank compared to his rank at the time of judgment of the crime.

(2) Set-back in rank shall be applied, if the crime involves injury to the reputation of the rank, but no demotion is necessary.

(3) Simultaneously with the set-back in rank, the time to be passed in the lower rank shall be between one to two years, as ordered.

Extension of the Waiting Time

Section 134.

(1) 'Extension of waiting time' means when the time a soldier is required to wait for promotion to the following rank is extended. The extension shall be defined in years; its duration may not exceed half of the waiting time prescribed for the rank.

(2) The waiting time shall be extended, if the soldier has to merit the promotion by spending a longer waiting time.

Probation

Section 135.

Exoneration from Aggravating Circumstances upon Prior Conviction

Section 136.

(1) The court may grant preliminary exoneration for a person from detrimental consequences upon prior convictions if it orders that the imprisonment be carried out in a military guardhouse. This exoneration shall take effect on the last day of serving the term of imprisonment or the last day of the term of limitation.

(2) The application of any ancillary punishment under military law shall not impede the exoneration of the person in question.

Chapter IX

Interpretative Provisions

Section 137.

For the purposes of this Act:

1) public officials are:

a) Members of Parliament;

b) the President of the Republic;

c) the Prime Minister;

d) members of the Government, undersecretaries and sectoral state secretaries;

e) constitutional judges, judges, prosecutors;

f) ombudsman;

g) members of local government bodies;

h) notaries public and assistant notaries public;

- i) independent court bailiffs and assistant court bailiffs;
 - j) persons serving at the constitutional court, the courts, prosecutors offices, administrative agencies, local government administrative bodies, the State Audit Office, the Office of the President of the Republic, the Office of Parliament, whose activity forms part of the proper functioning of the agency in question;
 - k) probation officers working for the national parole board under an employment relationship in the judicial system,
 - l) persons exercising executive and administrative powers at the appropriate bodies, in accordance with legal regulation;
- 2) 'person performing public duties' shall mean:
- a) employees of a postal service provider performing executor's or security services, persons performing executor's or security services for an economic operator operating a means of public mass transportation, and other persons performing passenger carriage services on public roads;
 - b) soldiers of the Hungarian Armed Forces performing service duties;
 - c) persons enlisted in a civil defense organization and performing civil defense services;
 - d) members of the ambulance service;
 - e) defense attorneys or legal counsels, and experts acting in a court or other official proceeding, and process servers not treated as public officials,
 - f) health-care employees within the meaning of the Act on Health Care, and other persons in work-related relationship with a health-care service provider;
 - g) teachers within the meaning of the Act on Public Education, and assistants participating in development and education activities, and lecturers, instructors and scientific researchers of institutions of higher education,
 - h) fire fighters as a member of a State, municipal, voluntary or private fire brigade, or a fire company,
 - i) members of the civil self-defense organization created to protect life and property of the public within the sphere described in the Act on the Police, for the activities performed to improve public safety;
 - j) the pastor of a church registered according to the Act on the Freedom of Belief and Religion and on the Church;
 - k) any person holding an office under the Act on Child Protection and Custody Administration and under the Act on Social Services Administration and Social Welfare Benefits when such person is acting in an official capacity.
- 3) 'foreign public official' shall mean:
- a) a person serving in the legislature, law enforcement, administrative body or criminal prosecution body of a foreign State;
 - b) a person serving in an international organization created under international convention, whose activities form part of the organization's activities;
 - c) a person elected to serve in the general assembly or body of an international organization created under international convention;
 - d) a member of an international court that is vested with jurisdiction over the territory or over the citizens of the Republic of Hungary, and any person serving in such international court, whose activities form part of the court's activities;
- 4) a) 'armed commission of a crime' shall mean when the perpetrator has a firearm or a destructive device in his possession while engaged in a criminal act; the provisions on armed commission shall also apply if the criminal act is committed using a replica or imitation of a firearm or destructive device;
- b) 'assault with a deadly weapon' shall mean when the perpetrator has a deadly weapon in his possession while engaged in a criminal act to suppress or subdue any resistance;
- 5) 'damage' shall mean the loss of value of one's property; 'pecuniary injury' means damage to one's property and the loss of financial gain;
- 6) 'relative' shall mean a relative in the direct line and his spouse or registered partner, adoptive and foster parents, adopted and foster children, brothers and sisters, spouses, registered partners, domestic partners, fiancées; next of kin, brothers and sisters of a spouse or registered partner; and spouses and registered partners of brothers and sisters;
- 7) 'criminal conspiracy' shall mean when two or more persons are engaged in criminal activities under arrangement, or they conspire to do so and attempt to commit a criminal act at least once, however, it is not considered a criminal organization;
- 8) 'criminal organization' shall mean when a group of three or more persons collaborate to deliberately engage in an organized fashion in criminal acts, which are punishable with five years of imprisonment or more;
- 9) a crime is deemed to be committed in the pattern of a business operation if the perpetrator is engaged in criminal activities of the same or similar character to generate profits on a regular basis;
- 10) 'war' shall mean:

a) the armed conflicts defined under the common provisions of Article 2 of the Geneva Conventions on the Protection of Victims of War of 12 August 1949 and in Article 1(4) of Additional Protocol I to these conventions;

b) the armed conflicts defined under Article 1 of Additional Protocol II to the conventions mentioned in Paragraph a);

c) martial law, and armed actions intended to overturn constitutional order or to seize power and exclusive control, and a state of emergency declared in reaction to any violent act committed by force of arms or by armed groups which gravely endanger the lives and property of citizens on a mass scale [Subparagraphs g) and h) and the first and second indent of Subparagraph i) of Paragraph (3) of Article 19 of the Constitution];

d) in the case of the criminal acts specified in Title II of Chapter XI and in Chapter XX, deployment and use of the Hungarian Armed Forces abroad [Subparagraph j) of Paragraph (3) of Article 19 of the Constitution];

11) 'product' shall mean any industrial and agricultural product (produce), raw materials, semi-finished or finished goods; live-stock and means of production are treated the same as products, also if the latter is a real property;

12) 'broad publicity' shall mean, among others, when a crime is committed through publication in the press, another mass media or by reproduction, or by way of publication on an electronic communications network;

13) a crime is deemed to have been committed in a group if it contains at least three persons participating;

14) 'recidivist' shall mean the perpetrator of a premeditated criminal act, if such person was previously sentenced to imprisonment without probation for a premeditated criminal act, and three years have not yet passed since the last day of serving the term of imprisonment or the last day of the term of limitation until the perpetration of another criminal act;

15) 'habitual recidivist' shall mean any recidivist who commits on both occasions the same crime or a crime similar in nature;

16) 'repeat offender' shall mean a person who has been sentenced to imprisonment without probation as a recidivist prior to the perpetration of a premeditated criminal act, and three years have not yet passed since the last day of serving the term of imprisonment or the last day of the term of limitation until the perpetration of another criminal act punishable by imprisonment;

17) 'economic operator' shall mean the economic operators listed under Paragraph c) of Section 685 of Act IV of 1959 on the Civil Code, as well as organizations which, according to the Civil Code, are subject to the provisions on economic operators concerning the civil relations of such organizations in connection with their economic activities;

18) 'allied armed forces' shall mean the armed forces in alliance with the Republic of Hungary according to international treaties stipulating the obligation to provide mutual military assistance, as well as the military organizations and bodies created on the basis of such treaties;

19) humanitarian activities, peacekeeping or humanitarian operations in a foreign theater of operations shall have the meaning as defined in the Act on National Defense.

Section 138.

For the purposes of this Act, unless otherwise provided elsewhere, 'duress' shall mean any threat of considerable harm intended to induce massive fear in the person threatened.

Section 138/A.

For the purposes of this Act the amount of value, damage, pecuniary injury, or the amount of reduction in tax revenues and customs revenues shall be construed:

a) minor, if more than twenty thousand but less than two hundred thousand forints;

b) considerable, if more than two hundred thousand but less than two million forints;

c) substantial, if more than two million but less than fifty million forints;

d) particularly considerable, if more than fifty million but less than five hundred million forints;

e) particularly substantial, if more than five hundred million forints.

Section 138/B.

SPECIAL PART

Chapter X

Crimes Against the State

Attempt to Overturn Constitutional Order by Force

Section 139.

(1) Any person who engages in any act intending to overturn the constitutional order of the Republic of Hungary by force or means of violence, or threatening to do so, particularly if using armed force is guilty of a felony punishable by imprisonment between five to fifteen years, or with life imprisonment.

(2) Any person who engages in preparations for overturning the constitutional order by force or means of violence is guilty of a felony punishable by imprisonment for up to five years.

(3) Any person who voluntarily withdraws from the criminal activity before it is committed, furthermore, the person who deliberately attempts to prevent the crime, shall not be liable for prosecution for attempt to overturn the constitutional order by force.

Conspiracy Against the Constitutional Order

Section 139/A.

(1) Any person who establishes or leads an organization intending to overturn the constitutional order of the Republic of Hungary by force or means of violence, or threatening to do so, is guilty of a felony punishable by imprisonment between two to eight years; any person who participates in such an organization shall be punishable by imprisonment between one to five years.

(2) Any person who voluntarily withdraws from the criminal activity before it is committed, furthermore, the person who deliberately attempts to prevent the continuance of conspiracy, shall not be liable for prosecution for conspiracy against the constitutional order.

Riot

Section 140.

(1) Any person who participates in a civil disturbance, the immediate aim of which is to prevent:

- a) Parliament;
- b) the President of the Republic;
- c) the Supreme Court;
- d) the Government;

from exercising its constitutional authority by force or means of violence, or threatening to use violence, or to compel them to do or to refrain from doing, some act is guilty of a felony punishable by imprisonment between two to eight years; the organizer or leader of the civil disturbance shall be punishable by imprisonment between five to fifteen years.

(2) Any person who engages in the preparation to a riot is guilty of a felony punishable by imprisonment between one to five years.

(3) Any person who withdraws from the riot either voluntarily or by order of the authorities before any violence is committed, shall not be liable for prosecution for rioting.

Malicious Mischief

Section 141.

Sabotage

Section 142.

(1) Any person who destroys, renders unusable or damages public utility fixtures, production, traffic or telecommunication operations or their equipment, public buildings or structures, stocks of products or military supplies, or other assets of similar importance due to their designated purpose, with the aim of the disturbance of the constitutional order of the Republic of Hungary is guilty of a felony punishable by imprisonment between two to eight years.

(2) The punishment shall be imprisonment between five to fifteen years or life imprisonment, if the sabotage results in particularly great damage.

(3) Any person who engages in preparations for sabotage is guilty of a felony punishable by imprisonment for up to three years.

Assault

Section 143.

High Treason

Section 144.

(1) Any Hungarian citizen who establishes or maintains contact with a foreign government or foreign organization in order to injure the sovereignty, territorial integrity or constitutional order of the Republic of Hungary is guilty of a felony punishable by imprisonment between five to fifteen years.

(2) The punishment shall be imprisonment between ten to fifteen years or life imprisonment if the act of treason

a) results in great damage,

b) is committed using one's state service or official mandate,

c) during the time of war,

d) by inviting or using foreign armed forces.

(3) Any person who engages in preparations directed at high treason is guilty of a felony punishable by imprisonment between one to five years, or by imprisonment between two to eight years during the time of war.

Treachery

Section 145.

Any Hungarian citizen who establishes or maintains contact with a foreign government or foreign organization abusing his state service or official mandate, and endangers thereby the sovereignty, territorial integrity or constitutional order of the Republic of Hungary is guilty of a felony punishable by imprisonment between two to eight years, or between five to fifteen years during the time of war.

Aid and Comfort

Section 146.

(1) Any person who seeks contact with the enemy to undermine the military might of the Republic of Hungary, and who gives aid and comfort to the enemy by committing an act which encourages or advances the interests of the enemy, thereby causing injury to its own or allied armed forces, is guilty of a felony punishable by imprisonment between ten to fifteen years or with life imprisonment.

(2) Any person who engages in preparations for giving aid and comfort to the enemy is guilty of a felony punishable by imprisonment between two to eight years.

Espionage

Section 147.

(1) Any person who engages in gathering intelligence for a foreign power or foreign organization against the Republic of Hungary is guilty of a felony punishable by imprisonment between two to eight years.

(2) Any person who commits the espionage defined in Subsection (1) by disclosing state secrets shall be punishable by imprisonment between five to fifteen years.

(3) Any person who engages in preparations for espionage activities is guilty of a felony punishable by imprisonment for up to five years.

(4) Any person who - before having performed any further act of espionage - reports his engagement or undertaking to the authorities and fully discloses his foreign contact shall not be liable for prosecution for offering or undertaking to participate in espionage operations.

Espionage Against Allied Armed Forces

Section 148.

Any person engaged in espionage against allied armed forces in the territory of the Republic of Hungary or in the territory of another nation which is in alliance with the Republic of Hungary by virtue of the international treaty for the obligation of mutual military assistance shall be punishable as described in Section 147.

Section 149.

Misprision

Section 150.

(1) Any person who has positive knowledge of preparations being made for overturning the constitutional order by force or means of violence, for conspiracy against the constitutional order, riot, sabotage, high treason, treachery, giving aid and comfort to the enemy, espionage, or such a crime has been committed undetected, and fails to promptly report that to the authorities is guilty of a misdemeanor punishable by imprisonment for up to two years.

(2) Relatives of the persons committing the offense of misprision of the criminal acts listed in Subsection (1) shall not be liable for prosecution.

Crimes Against other Socialist States

Section 151.

Ancillary Punishments

Section 152.

In connection with the crimes defined in this Chapter banishment may also be applied as ancillary punishment.

Chapter XI

Crimes Against Humanity

Title I

Crimes Against Peace

Incitement to War

Section 153.

(1) Any person who engages in incitement to war or otherwise displays war propaganda is guilty of a felony punishable by imprisonment between two to eight years.

(2) The punishment shall be imprisonment between five to fifteen years if the crime is committed in broad publicity.

(3) Any person who engages in preparations for incitement to war is guilty of a felony punishable by imprisonment for up to three years.

Prohibition of Recruiting

Section 154.

(1) Any attempt to recruit personnel in the territory of the Republic of Hungary for military service - other than for any allied forces -, paramilitary service in a foreign armed body, or any mediation of volunteers for such service shall be construed a felony and punishable by imprisonment between one to five years.

(2) Any Hungarian citizen who voluntarily joins or offers to join any foreign armed body - other than the allied forces - that is involved in an armed conflict (national or international), or who participates in training in such an armed body shall be punishable in accordance with Subsection (1).

Genocide

Section 155.

(1) Any person who - with the ultimate aim of the total or partial extermination of a national, ethnic, racial or religious group:

- a) kills the members of the group;
- b) causes serious bodily or mental injury to the members of the group for reasons of their affiliation with the group;

- c) constrains the group into living conditions threatening the demise of the group on the whole or certain members of it;
 - d) takes any action aimed to prevent births within the group;
 - e) separates the children of the group and installs them into another group;
- is guilty of a felony punishable by imprisonment between ten to fifteen years or life imprisonment.
- (2) Any person who engages in preparations for genocide is guilty of a felony punishable by imprisonment between two to eight years.

Crime Against a National, Ethnic, Racial or Religious Group

Section 156.

Apartheid

Section 157.

- (1) Any person who - with the aim to establish dominion and maintain rule of a racial group of people over another racial group of people and/or with the aim of the regular oppression of the other racial group:
- a) kills the members of a racial group or groups;
 - b) constrains the racial group into living conditions threatening the physical annihilation of the group or groups on the whole or to any extent;
- is guilty of a felony punishable by imprisonment between ten to fifteen years or life imprisonment.
- (2) Any person who commits another crime of apartheid is guilty of a felony punishable by imprisonment between five to ten years.
- (3) The punishment shall be imprisonment between ten to fifteen years or life imprisonment, if the criminal act of apartheid described in Subsection (2) has given rise to serious consequences.
- (4) For the purposes of Subsections (2) and (3), 'apartheid' shall mean the crimes of apartheid defined in Article II a)/(ii), a)/(iii), c), d), e), and f) of the International Convention on the Suppression and Punishment of the Crime of Apartheid adopted on 30 November 1973 by the General Assembly of the United Nations Organization in New York, promulgated by Law-Decree No. 27 of 1976.

Title II

War Crimes

Violence Against the Civilian Population

Section 158.

- (1) Any person who applies violence in a theater of war or occupied area against civilian persons or prisoners of war, displays inhuman treatment or otherwise gravely abuses his power is guilty of a felony punishable by imprisonment between five to ten years, if such act does not result in a criminal act of greater gravity.
- (2) The punishment shall be imprisonment between ten to fifteen years or life imprisonment if the crime defined in Subsection (1) results in any death.
- (3) For the purposes of this Section 'inhuman treatment' shall mean, in particular:
- a) settlement of the civilian population of the occupying power in the occupied territory, or resettlement of the population of the occupied territory;
 - b) deprivation of the civilian population and prisoners of war from their right to trial in a normal and unbiased procedure;
 - c) undue delay of the repatriation of prisoners of war or civilian persons.

War-time Looting

Section 159.

(1) Any person who engages in looting the property of civilians in a theater of operations or occupied territory, or causes grave detriment to the population by the enforcement of services or in another manner is guilty of a felony punishable by imprisonment between two to eight years, if such act does not result in a criminal act of greater gravity.

(2) The punishment shall be imprisonment between five to ten years if the crime is committed by force of arms or in a group.

Commission of War Crimes

Section 160.

Any military commander who, in violation of the rules of the international law of warfare:

a) engages in the conduct of any war operation causing serious damage in the life, health or property of the civilian population, in facilities containing dangerous forces;

b) launches an offensive against a area without defense or a weapon-free zone;

is guilty of a felony punishable by imprisonment between ten to fifteen years or life imprisonment.

Use of Weapons Prohibited by International Convention

Section 160/A.

(1) Any person who uses or orders the use of a weapon or instrument of war prohibited by international convention in a theater of military operation or in an occupied territory against the enemy, civilians or prisoners of war is guilty of a felony punishable by imprisonment between ten to fifteen years or life imprisonment.

(2) Any person who engages in preparations for the use of a weapon prohibited by international convention is guilty of a felony punishable by imprisonment for up to five years.

(3) For the purposes of Subsections (1)-(2) the following shall be construed as weapons prohibited by international convention:

a) asphyxiating, poisonous and other gases and bacteriological methods of warfare as set forth in the protocol signed at Geneva on 17 June 1925 on the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, as promulgated by Law-Decree 20 of 1955;

b) the bacteriological (biological) and toxin weapons specified in Article 1 of The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction adopted by the General Assembly during its twenty-sixth session on 10 December 1971, as promulgated by Law-Decree 11 of 1975;

c) the following weapons listed in the protocols to the convention signed in Geneva on 15 October 1980 on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects, as promulgated by Law-Decree 2 of 1984:

1) weapons causing injury by fragments which cannot be detected by X-ray, as specified in Protocol I;

2) mines, remotely-delivered mines, anti-personnel mines, booby-traps and other devices specified in Points 1-5 of Article 2 of the Amended Protocol II, as promulgated by Act CXXXIII of 1997;

3) incendiary weapons specified in Point 1 of Article 1 of Protocol III;

4) blinding laser weapons specified in Article 1 of Protocol IV;

d) chemical weapons and chemical instruments of war specified in Points 1 and 7 of Article 2 of the convention signed in Paris on 13 January 1993 on the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, as promulgated by Act CIV of 1997;

e) anti-personnel mines specified in Point 1 of Article 2 of the convention signed in Oslo on 18 September 1997 on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, as promulgated by Act X of 1998.

Violation of the International Protection of Cultural Property

Section 160/B.

(1) Any person who, at the time of war:

- a) makes cultural property under international protection the object of attack;
- b) uses cultural property under international protection in support of military action;
- c) makes cultural property under international protection the object of theft or pillage;
- d) makes cultural property under international protection the object of destruction or vandalism,

is guilty of a felony punishable by imprisonment between five to ten years.

(2) Any person who uses the immediate surroundings of cultural property under international protection in support of military action shall be punishable in accordance with Subsection (1).

(3) The punishment shall be imprisonment between five to fifteen years if the crime referred to in Subsection (1) is committed in connection with cultural property placed under special or enhanced protection by international convention.

(4) Any person who uses the immediate surroundings of cultural property under special or enhanced protection in accordance with international convention in support of military action shall be punishable in accordance with Subsection (3).

(5) For the purposes of Subsections (1)-(4):

1. 'cultural property' shall mean the cultural property defined in Article 1 of the Convention for the Protection of Cultural Property in the Event of Armed Conflict signed in the Hague on 14 May 1954, and promulgated by Law-Decree No. 14 of 1957;

2. 'cultural property under special protection' shall mean the cultural property defined in Article 8 of the Convention referred to in Point 1;

3. 'cultural property under enhanced protection' shall mean the cultural property defined in Article 10 of the Second Protocol to the Convention referred to in Point 1.

Battlefield Looting

Section 161.

Anyone who loots the fallen, injured or sick people on the battlefield is guilty of a felony punishable by imprisonment between two to eight years.

Infringement of Armistice

Section 162.

(1) Any person who infringes the conditions of armistice is guilty of a felony punishable by imprisonment between one to five years.

(2) The punishment shall be imprisonment between five to ten years if the infringement of the armistice leads to particularly grave consequences.

Violence Against a War Emissary

Section 163.

(1) Any person who insults, illegally restrains the war emissary of the enemy or his companion, or otherwise applies violence against him is guilty of a felony punishable by imprisonment for up to three years, if such act does not result in a criminal act of greater gravity.

(2) Any person who kills a war emissary or his companion shall be punishable by imprisonment between ten to fifteen years, or life imprisonment.

Misuse of the Red Cross

Section 164.

Any person who in war-time misuses the sign of the red cross (red crescent, red lion and sun) or other signs serving a similar purpose and recognized internationally, or commits a violent act against a person or thing under the protection thereof, is guilty of a felony punishable by imprisonment between one to five years.

Other War Crimes

Section 165.

Other war crimes are governed in Decree No. 81/1945 (II.5.) ME, enacted by Act VII of 1945 and amended and supplemented by Decree No. 1440/1945 (V.1.) ME.

Chapter XII

Crimes Against the Person

Title I

Crimes Against Life, Limb and Health

Homicide

Section 166.

(1) Any person who kills another human being is guilty of a felony punishable by imprisonment between five to fifteen years.

(2) The punishment shall be imprisonment between ten to fifteen years, or life imprisonment, if the homicide is committed:

- a) as planned in advance;
- b) for financial advantage; or
- c) for another malicious motive or purpose;
- d) with extreme brutality;
- e) against a public official or a foreign public official during or because of his official proceedings, against a person performing public duties when carrying out such duties, or against a person providing assistance to or acting in defense of such persons performing official or public duties;
- f) on more than one person;
- g) endangering the life of a great many people;
- h) as a habitual recidivist;
- i) against a person under the age of fourteen.

(3) Any person who engages in preparations to commit homicide is guilty of a felony punishable by imprisonment of up to five years.

(4) A person who commits negligent homicide (manslaughter) is guilty of a misdemeanor punishable by imprisonment between one to five years.

(5) Within the meaning of habitual recidivism, the following shall be construed as crimes of similar nature:

- a) voluntary manslaughter (Section 167), genocide [Paragraph a) of Subsection (1) of Section 155];
- b) aggravated cases of kidnapping and violence against a superior or a law enforcement officer [Subsection (4) of Section 175/A, Paragraph a) of Subsection (5) of Section 355];

c) aggravated cases of acts of terrorism, seizure of an aircraft, any means of railway, water or road transport or any means of freight transport and insurrection, if the act causing death is perpetrated intentionally [Paragraph a) of Subsection (2) of Section 261, Subsection (2) of Section 262, Paragraph b) of Subsection (3) of Section 352].

Section 166/A.

Voluntary Manslaughter

Section 167.

Any person who commits homicide with provocation or in the heat of passion is guilty of a felony punishable by imprisonment between two to eight years.

Aiding and Abetting Suicide

Section 168.

Any person who persuades another to commit suicide, or provides aid for suicide is guilty of a felony punishable by imprisonment for up to five years, if the suicide is attempted or committed.

Abortion

Section 169.

(1) Any person who engages in the expulsion of a fetus is guilty of a felony punishable by imprisonment for up to three years.

(2) The punishment shall be imprisonment between one to five years, if the abortion is committed:

- a) in a pattern of business operation;
- b) without the consent of the woman;
- c) causing grievous bodily harm or danger to life.

(3) The punishment shall be imprisonment between two to eight years if the abortion results in death.

(4) Any woman who deliberately destroys her fetus or induces someone to do so is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

Battery

Section 170.

(1) Any person who causes bodily harm to or injures the health of another person, if the injury or illness heals within eight days, is guilty of the misdemeanor of simple battery punishable by imprisonment of up to two years, community service work, or a fine.

(2) If the injury or illness caused by battery takes more than eight days to heal, the perpetrator is guilty of the felony aggravated battery punishable by imprisonment of up to three years.

(3) If the battery is committed for a malicious motive or purpose, and if committed against a person who is defenseless or unable to express his will, the punishment shall be for a felony imprisonment of up to three years for simple battery, and imprisonment between one to five years in case of aggravated battery.

(4) A perpetrator of battery is guilty of a felony punishable by imprisonment for between one to five years if the battery causes permanent physical disability or a grave injury to health, or, if the aggravated battery is committed with extreme brutality.

(5) Any person who engages in preparations for the criminal acts described in Subsections (2)-(4) is guilty of a misdemeanor punishable by imprisonment for up to two years.

(6) The punishment shall be imprisonment between two to eight years if the battery causes life endangerment or death.

(7) Any person who commits aggravated battery due to negligence is guilty of a misdemeanor punishable by imprisonment of up to one year, community service work, or a fine, or with imprisonment of up to three years in the case defined in Subsection (4), or with imprisonment of up to five years in the case of causing great bodily injury.

(8) The perpetrator of the misdemeanor defined in Subsection (1) shall only be prosecuted upon private motion.

Malpractice

Section 171.

(1) Any person who engages in misconduct in the course of engaging in his profession, thus causing imminent danger to the life, bodily integrity or health of another person or persons by his failure to act with reasonable care, or causes bodily harm, is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

(2) The punishment shall be:

a) imprisonment of up to three years, if the crime results in permanent physical disability or a grave injury to health, or a mass catastrophe;

b) imprisonment between one to five years, if the crime causes death;

c) imprisonment between two to eight years, if the crime results in the death of more than one person, or in a fatal mass catastrophe.

(3) Any person who is responsible for causing imminent danger willfully is guilty of a felony punishable by imprisonment of up to three years in the case of Subsection (1), or by imprisonment of up to five years, between two to eight years, or between five to ten years in the case of Subsection (2), taking into account the distinction made therein.

(4) For the purposes of this Section, rules of professional misconduct also cover the rules relating to the use and handling of fire arms.

Failure to Render Aid

Section 172.

(1) Any person who fails to render aid that may be expected of him to an injured person, or to a person whose life or bodily integrity is in imminent danger, is guilty of a misdemeanor punishable by imprisonment for up to two years, community service work, or a fine.

(2) The punishment shall be imprisonment of up to three years for a felony, if the injured person dies, and his life could have been saved by aid.

(3) The punishment for felony shall be imprisonment of up to three years, or up to five years in case of Subsection (2), if the emergency situation is brought about by the perpetrator, or if he is otherwise obligated to help.

(4) The last phrase of Subsection (3) may not be applied against a person who is obligated to help on the basis of the traffic regulations.

Failure to Provide Care

Section 173.

Any person who fails to perform his obligation to care for a person who cannot care for himself due to his condition or old age, and thereby endangers the life, bodily integrity or health of the person reduced to care, is guilty of a felony punishable by imprisonment for up to three years.

Title II

MEDICAL PROCEDURES, CRIMINAL ACTS AGAINST THE ORDER OF MEDICAL RESEARCH AND THE RIGHT OF AUTONOMY CONCERNING MEDICAL PROCEDURES

Procedures on Human Genetic Structure

Section 173/A.

(1) Any person who performs a procedure on a human genetic structure, fetal genetic structure or the genetic structure of a human embryo for the purpose of changing the genetic structure thereof is guilty of a felony punishable by imprisonment for up to five years.

(2) The punishment shall be imprisonment between two to eight years if the procedure described in Subsection (1) results in permanent changes in the human genetic structure, fetal genetic structure or in the genetic structure of the human embryo.

(3) A person performing a procedure for a purpose specified in the Health Care Act shall not be liable for prosecution for the acts described in Subsections (1)-(2).

Illegal Use of Human Gametes

Section 173/B.

(1) Any person who uses gametes from a cadaver or from a deceased fetus as part of a special procedure for the purpose of human reproduction as described in the Health Care Act is guilty of a felony punishable by imprisonment for up to five years.

(2) Any person who engages in preparations for the illegal use of human gametes is guilty of a misdemeanor punishable by imprisonment for up to two years.

Altering the Gender of an Unborn Child

Section 173/C.

(1) Any person who performs a procedure for the purpose of altering the gender of unborn child is guilty of a felony punishable by imprisonment for up to five years.

(2) A person performing a procedure for a purpose specified in the Health Care Act shall not be liable for prosecution for the act described in Subsection (1).

Violation of the Rules of Experimental Research on Humans

Section 173/D.

(1) Any person who performs a medical experiment on humans without or in deviation of, the authorization is guilty of a felony punishable by imprisonment for up to five years.

(2) For the purposes of Subsection (1), 'authorization' shall mean the authorization prescribed in the Health Care Act or in the Act on Medicinal Products for Human Use.

Violation of the Rules of Experimental Research with Embryos or Gametes

Section 173/E.

(1) Any person who performs a medical experiment on human embryos or gametes without or in deviation of, the license prescribed in the Health Care Act, or creates a human embryo for scientific purposes, is guilty of a felony punishable by imprisonment for up to five years.

(2) Any person who:

- a) transplants a human embryo into an animal;
 - b) inseminates a human gamete with an animal gamete, or vice versa;
 - c) implants a human embryo which was previously experimented with into a human body;
 - d) uses a human gamete which was previously used for experiment for human reproduction;
 - e) uses a non-human gamete or embryo for human insemination or for embryo implantation;
 - f) uses a human embryo to create several human embryos or animal embryos;
- is guilty of a felony punishable by imprisonment between two to eight years.

(3) Any person who engages in preparations for the criminal acts described in Subsection (2) is guilty of a misdemeanor punishable by imprisonment for up to two years.

Section 173/F.

(1) Any person who performs a scientific experiment on a human embryo for the purpose of manipulating the genetic structure of the embryo is guilty of a felony punishable by imprisonment for up to five years.

(2) Any person who:

- a) uses a human embryo to create a specimen with characteristics different from those developed by conception, or with additional characteristics;
 - b) separates the cells of a human embryo;
- is guilty of a felony punishable by imprisonment between two to eight years.

(3) Any person who engages in preparations for the criminal acts described in Subsection (2) is guilty of a misdemeanor punishable by imprisonment for up to two years.

(4) A person carrying out the acts described in Subsections (1)-(3) for a purpose specified in the Health Care Act shall not be liable for prosecution for such acts.

Section 173/G.

(1) Any person who creates genetically equivalent human species during experimental research or during a medical procedure is guilty of a felony punishable by imprisonment between five to ten years.

(2) Any person who engages in preparations for the criminal act described in Subsection (1) is guilty of a felony punishable by imprisonment for up to three years.

Violation of Right of Autonomy Concerning Medical Procedures

Section 173/H.

(1) Any person who, without the consent or permission of the entitled party, performs:

- a) a medical procedure in connection with the alteration of the human genetic structure or the genetic structure of an embryo, in connection with human reproduction or with altering the gender of an unborn child;
 - b) experimental research on humans with embryos or gametes;
 - c) a procedure to remove an organ or tissue for transplantation purposes, or organ or tissue transplant;
- which is subject to prior consent, permission and information disclosure, or who fails to disclose the information required by law, is guilty of a felony punishable by imprisonment for up to three years.

(2) Any person who removes an organ or tissue from a cadaver in spite of a statement of prohibition shall be punishable as described in Subsection (1).

(3) Any person who negligently performs a medical procedure, medical research, organ or tissue removal or organ or tissue transplant which is subject to prior consent or permission, as described in Subsection (1), without the consent or permission of the entitled party, is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

(4) The perpetrator of the criminal acts described in Subsections (1)-(3) shall be subject to punishment on the basis of a private motion, unless, in connection with such act, he also commits a crime which is not punishable on the basis of a private motion. In respect of Subsection (2), a private motion may be filed by the person eligible for issuing the statement, as described in the Health Care Act.

Illegal Use of a Human Body

Section 173/I.

(1) Any person who illegally acquires, sells or trades for pecuniary gain human genes, cells, gametes, embryos, organs, tissues, or a cadaver or part(s) of such, is guilty of a felony punishable by imprisonment for up to three years.

(2) The punishment shall be imprisonment for up to five years if the crime described in Subsection (1) is committed by an employee of a medical institution during employment.

(3) In the case of Subsection (1) and Subsection (2) the punishment shall be imprisonment for up to five years or between two to eight years respectively, if the crime is committed:

- a) in a pattern of business operation;
- b) as part of a criminal conspiracy.

(4) Any person who engages in preparations for the illegal use of a human body is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine in the case of Subsection (1), or with imprisonment for up to two years, community service work, or a fine in the case of Subsection (2).

Title III

Crimes Against Freedom and Human Dignity

Coercion

Section 174.

Any person who compels another person by applying violence or duress to do, not to do, or to endure something, and thereby causes a considerable injury of interest, is guilty of a felony punishable by imprisonment of up to three years, if there is no other criminal act involved.

Violation of the Freedom of Conscience and Religion

Section 174/A.

Any person who:

- a) restricts another person in his freedom of conscience by applying violence or duress;
 - b) prohibits another person from freely exercising his religion by applying violence or duress;
- is guilty of a felony punishable by imprisonment for up to three years.

Violence Against a Member of the Community

Section 174/B.

(1) Any person who assaults another person for being part, whether in fact or under presumption, of a national, ethnic, racial or religious group, or of a certain societal group, or compels him by applying coercion or duress to do, not to do, or to endure something, is guilty of a felony punishable by imprisonment for up to five years.

(2) The punishment shall be imprisonment between two to eight years if the act of crime is committed:

- a) by force of arms;
- b) with a deadly weapon;
- c) causing a considerable injury of interest;
- d) with the torment of the injured party;
- e) in groups;
- f) in criminal conspiracy.

(3) Any person who engages in the preparation for the use of force against any member of the community is guilty of a misdemeanor punishable by imprisonment for up to two years.

Violation of the Freedom of Association and Assembly, and Participation in Electoral Rallies

Section 174/C.

(1) Any person who unlawfully prevents another person in the exercise of his right to association or assembly, or to participate in electoral rallies by force or duress is guilty of a felony punishable by imprisonment for up to three years.

(2) Any person who engages in preparations for the criminal act referred to in Subsection (1) is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

Violation of Personal Freedom

Section 175.

(1) Any person who deprives another person of his personal freedom is guilty of a felony punishable by imprisonment for up to three years.

(2) Any person who acquires another person through trafficking in human beings and maintains the status of deprivation of the victim's personal freedom, and forces such victim into forced labor, is guilty of a felony punishable by imprisonment between two to eight years.

(3) The punishment shall be imprisonment for up to five years in respect of Subsection (1) and imprisonment between five to ten years in respect of Subsection (2), if the criminal act is committed:

- a) for a malicious motive or purpose;
- b) by feigning official action;
- c) by tormenting the aggrieved party;
- d) causing a significant injury of interests;
- e) against a person under the age of eighteen.

Kidnapping

Section 175/A.

(1) Any person who deprives another person of his freedom by force or imminent duress against life or bodily integrity, or by taking advantage of his condition of being unable to defend himself or to declare his will, and makes his release dependent upon the performance of a demand is guilty of a felony punishable by imprisonment between two to eight years.

(2) The punishment for kidnapping shall be imprisonment between five to fifteen years if committed:

- a) as part of a criminal conspiracy;
- b) by force of arms;
- c) against a public official or a foreign official.

(3) The punishment shall be imprisonment between five to fifteen years, or life imprisonment, if the kidnapping:

- a) results in particularly great damage;
- b) results in death.

(4) The punishment shall be imprisonment between ten to fifteen years or life imprisonment, if the kidnapping also involves first degree murder.

(5) Any person who engages in preparations for kidnapping is guilty of a felony punishable by imprisonment for up to three years.

(6) The punishment of a person who voluntarily terminates the act of kidnapping before grave consequences have originated therefrom may be reduced without limitation.

(7) Any person who has positive knowledge of preparations being made for kidnapping, and fails to promptly inform the person against whom it is planned and fails to report it to the authorities is guilty of a felony punishable by imprisonment for up to three years, if the kidnapping has at least been attempted.

Trafficking in Human Beings

Section 175/B.

(1) Any person who sells, purchases, conveys or receives another person or exchanges a person for another person, also the person who recruits, transports, houses, hides or appropriates people for such purposes for another party, is guilty of a felony punishable by imprisonment for up to three years.

(2) The punishment shall be imprisonment between one to five years if the criminal act is committed:

- a) to the detriment of a person under eighteen years of age;
- b) to the detriment of a person kept in captivity;
- c) to subject the victim to forced labor;
- d) for the purpose of sodomy or sexual intercourse;
- e) for the unlawful use of the human body;
- f) in criminal conspiracy; or
- g) in a pattern of business operation.

(3) The punishment shall be imprisonment between two to eight years, if the act of crime is committed:

- a) to the detriment of a person who is in the care, custody, supervision or treatment of the perpetrator; or
- b) for the purposes specified in Paragraphs c)-e) of Subsection (2):
 - 1) by force or by threat of force;
 - 2) by deception;
 - 3) by tormenting the injured person.

(4) The punishment shall be imprisonment between five to ten years if the criminal act is committed:

a) to the detriment of a person referred to in Paragraphs a)-b) of Subsection (2) and in Paragraph a) of Subsection (3), for any of the purposes defined under Paragraphs c)-e) of Subsection (2), and/or in the manner defined under Points 1-3 of Paragraph b) of Subsection (3); or

b) for the purpose of making illegal pornographic material.

(5) The punishment shall be imprisonment between five to fifteen years or life imprisonment if the criminal act is committed to the detriment of a person under twelve years of age:

- a) for any of the purposes defined under Paragraphs c)-e) of Subsection (2);
- b) in the manner defined under Points 1-3 of Paragraph b) of Subsection (3); or
- c) for the purpose of making illegal pornographic material.

(6) Any person who engages in preparations for trafficking in human beings is guilty of misdemeanor punishable by imprisonment for up to two years.

Breach of Domicile

Section 176.

(1) A person who enters into or remains in, the home or other property or the confines attached to such, of another person by force, duress, or pretending official action, is guilty of a misdemeanor punishable by imprisonment for up to two years, community service work, or a fine.

(2) The person who enters into or remains in, the home or other property or the confines attached to such, against the will of the tenant or owner of such property, or with deception:

- a) at night;
- b) by force of arms;
- c) armed with a deadly weapon;
- d) in a group;

shall be punishable in accordance with Subsection (1).

(3) Any person who prevents another person in the way defined in Subsections (1)-(2) to enter his home or other property, or the confines attached to such, shall be punishable in accordance with Subsection (1).

(4) The punishment shall be imprisonment for up to three years for a felony if the act defined in Subsection (1) is committed in the way described in Subsection (2).

Harassment

Section 176/A.

(1) Any person who engages in conduct intended to intimidate another person, to disturb the privacy of or to upset, or cause emotional distress to another person, or who is engaged in the pestering of another person on a regular basis, such as frequently making unsolicited calls to another person by way of telecommunications equipment or actually harassing another person is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine, if such act does not result in a criminal act of greater gravity.

(2) Any person who, for the purpose of intimidation:

a) conveys the threat of force or public endangerment intended to inflict harm upon another person, or upon a relative of this person, or

b) purports to make believe another person, or a relative of this person to put that person in fear that any threat to his life or health, or to the life or health of a relative of this person is imminent, is guilty of a misdemeanor punishable by imprisonment for up to two years, community service work, or a fine.

(3) Any person who commits the act of harassment:

a) against his/her former spouse or registered partner, or former domestic partner,

b) against a person under his/her care, custody, supervision or treatment,

shall be punishable by imprisonment for up to two years, community service work, or a fine in the cases described in Subsection (1), or by imprisonment for up to three years for the felony offense described under Subsection (2).

Violation of Privacy

Section 177.

(1) Any person who reveals any private secret he has obtained in a professional or official capacity without due cause is guilty of a misdemeanor punishable with a fine.

(2) The punishment shall be imprisonment for up to one year, community service work, or a fine, if the crime results in a considerable injury of interest.

Misuse of Personal Data

Section 177/A.

(1) Any person who, in violation of the statutory provisions governing the protection and processing of personal data:

- a) is engaged in the unauthorized and inappropriate processing of personal data;
- b) fails to notify the data subject as required by law;
- c) fails to take measures to ensure the security of data;

and thereby imposes significant injury to the interests of another person or persons is guilty of a misdemeanor punishable by imprisonment for up to one year, community service, or a fine.

(2) The acts described under Subsection (1) shall be upgraded to felonies and punishable by imprisonment for up to three years if they are committed by a public official in the course of discharging a public duty or in the pursuit of unlawful financial gain or advantage.

(3) Any misuse of special personal data shall be treated as a felony punishable by imprisonment for up to three years.

Misuse of Public Information

Section 177/B.

(1) Any person who, in violation of the statutory provisions governing access to public information:

- a) fails to comply with the obligation to provide information;
- b) falsifies or renders inaccessible any public information;
- c) conveys or publishes any public information that is untrue or has been falsified;

is guilty of a misdemeanor punishable by imprisonment for up to two years, community service or a fine.

(2) The acts described under Subsection (1) shall be upgraded to felonies and punishable by imprisonment for up to three years if they are committed for unlawful financial gain or advantage.

Violation of the Privacy of Correspondence

Section 178.

(1) Any person who opens or obtains a sealed parcel containing a communication which belongs to another person for the purpose of gaining knowledge of the contents thereof, or conveys such to an unauthorized person for this purpose, as well as any person who taps a correspondence forwarded through telecommunications equipment is guilty of a misdemeanor punishable with a fine, if such act does not result in a criminal act of greater gravity.

(2) The punishment shall be imprisonment for up to one year, community service work, or a fine, if the crime defined in Subsection (1) is committed in a professional or official capacity.

(3) The punishment shall be:

a) imprisonment for up to two years, if the crime defined in Subsection (1) results in a considerable injury of interest;

b) imprisonment for up to three years for a felony, if the crime defined in Subsection (2) results in a considerable injury of interest.

Illicit Possession of Private Information

Section 178/A.

(1) Any person who, for the illicit possession of private information:

- a) clandestinely searches the home or other property, or the confines attached to such, of another person;
- b) monitors or records the events taking place in the home or other property, or the confines attached to such, of another person, by technical means;

c) opens or obtains the sealed parcel of correspondence of another person and records such by technical means;
d) captures correspondence forwarded by means of communication equipment or computer network to another person and records the contents of such by technical means;

is guilty of a felony punishable by imprisonment for up to five years.

(2) Any person who conveys or uses any private information obtained as described in Subsection (1) shall be punishable as set forth in Subsection (1).

(3) The punishment shall be imprisonment between two to eight years, if the act of crime is committed:

- a) by feigning official action;
- b) in a pattern of business operation;
- c) as part of criminal conspiracy;
- d) causing significant injury of interests.

Defamation

Section 179.

(1) Any person who engages in the written or oral publication of anything that is injurious to the good name or reputation of another person, or uses an expression directly referring to such a fact, is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

(2) The punishment shall be imprisonment for up to two years, if the defamation is committed:

- a) for a malicious motive or purpose;
- b) in broad publicity;
- c) causing considerable injury of interest.

Libel

Section 180.

(1) Any person who, apart from what is contained in Section 179, makes a false publication orally or any other way:

- a) tending to harm a person's reputation in connection with his professional, public office or public activity;
- b) in broad publicity;

shall be punishable for a misdemeanor by imprisonment for up to one year, community service work, or a fine.

(2) Any person who engages in an act to defame someone by physical assault shall be punishable in accordance with Subsection (1).

Desecration

Section 181.

Any person who violates the memory of the dead by the means defined in Section 179 or Section 180 is guilty of a misdemeanor punishable as defined therein.

Justification

Section 182.

(1) A person charged with the crimes defined in Sections 179-181 shall not be liable for prosecution if there is conclusive evidence that the publication claimed as defamatory are proven to be accurate.

(2) Justification shall apply where the statement, publication or expression was communicated for reasons of public interest or by the lawful interest of any person.

Private Motion and Request

Section 183.

(1) The perpetrators of the crimes defined in Sections 176-177 and in Sections 178-181 will be prosecuted upon private motion.

(2) In the case referred to in Section 181 the private motion may be submitted by the relative and heir of the deceased.

(3) The defamation or libel committed to the injury of a person enjoying diplomatic or other personal immunity based on international law is punishable upon the request of the injured party declared through diplomatic channels.

Interpretative Provision

Section 183/A.

For the purposes of Section 170 and Section 175/A, persons under the age of twelve shall be deemed as incapable of defense.

Chapter XIII

Traffic Offenses

Crimes Against Transportation Safety

Section 184.

(1) Any person who endangers the safety of railway, water or public road traffic by damaging or destroying a traffic route or corridor, a vehicle, traffic control equipment or the appurtenances thereof, by creating an obstacle, removing or changing a traffic sign, installing a misleading sign, using violence or threats against the driver of a vehicle in traffic or by acting in any other similar manner is guilty of a felony punishable by imprisonment for up to three years.

(2) The punishment shall be:

- a) imprisonment for up to five years if the crime results in grievous bodily harm;
- b) imprisonment between two to eight years if the crime results in permanent physical disability or a grave injury to health, or a mass catastrophe;
- c) imprisonment between five to ten years if the crime results in death;
- d) imprisonment between five to fifteen years if the crime results in a fatal mass catastrophe.

(3) Any person who commits the crime defined in Subsection (1) by way of negligence is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine in the cases defined in Subsection (2), or by imprisonment for up to two years, three years, five years or between two to eight years in accordance with the distinction made there.

(4) The punishment may be reduced without limitation - or dismissed in cases deserving special consideration - against any person who voluntarily terminates the danger before any damage occurs in consequence.

Endangerment of Railway, Air or Water Transportation

Section 185.

(1) Any person who endangers life or limb of another person or persons by violating the regulations governing railway, air or water transportation is guilty of a felony punishable by imprisonment for up to three years.

(2) The punishment shall be:

- a) imprisonment for up to five years if the crime results in grievous bodily harm;

b) imprisonment between two to eight years if the crime results in permanent physical disability or a grave injury to health, or a mass catastrophe;

c) imprisonment between five to ten years if the crime results in death;

d) imprisonment between five to fifteen years if the crime results in a fatal mass catastrophe.

(3) Any person who commits the crime defined in Subsection (1) by way of negligence is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine in the cases defined in Subsection (2), or by imprisonment for up to two years, three years, five years or between two to eight years in accordance with the distinction made there.

(4) The punishment may be reduced without limitation - or dismissed in cases deserving special consideration - against any person who voluntarily terminates the danger before any damage occurs in consequence.

Causing Danger on the Highways

Section 186.

(1) Any person who causes direct endangerment to the life or limb of another person or persons by the violation of traffic regulations is guilty of a felony punishable by imprisonment for up to three years.

(2) The punishment shall be:

a) imprisonment for up to five years if the crime results in grievous bodily harm;

b) imprisonment between two to eight years if the crime results in permanent physical disability or a grave injury to health, or a mass catastrophe;

c) imprisonment from five to ten years if the crime results in death;

d) imprisonment between five to fifteen years if the crime results in the death of two or more persons or in a fatal mass catastrophe.

Causing a Public Road Accident

Section 187.

(1) Any person who causes grievous bodily harm to another person or persons by violation of traffic regulations through negligence is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

(2) The punishment shall be:

a) imprisonment for up to three years if the crime results in permanent physical disability or a grave injury to health, or a mass catastrophe;

b) imprisonment between one to five years if the crime results in death;

c) imprisonment between two to eight years if the crime results in the death of two or more persons or in a fatal mass catastrophe.

Driving Under the Influence of Alcohol or Other Psychoactive Substances

Section 188.

(1) Any person who operates a railway or aircraft, or a motorized vessel or water machinery, or a motor vehicle under the influence of alcohol or any other substance that has the capacity to impair one's ability to operate such vehicle is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

(2) The punishment shall be:

a) imprisonment for up to three years for a felony if the crime results in grievous bodily harm;

b) imprisonment for up to five years for a felony if the crime results in permanent physical disability or a grave injury to health, or a mass catastrophe;

c) imprisonment between two to eight years for a felony if the crime results in death;

d) imprisonment between five to ten years for a felony if the crime results in the death of two or more persons or in a fatal mass catastrophe.

(3) Any person who induces the consequence described in Subsection (2) by operating a non-motorized vessel or water machinery, or non-motorized vehicle under the influence of alcohol or any other substance that has the capacity to impair one's ability to operate such vehicle shall be punishable in accordance with the distinction set forth therein.

Unlawful Conveyance of Operating a Vehicle

Section 189.

(1) Any person who conveys the operation of a railway or aircraft, or a motorized vessel or water machinery, or a motor vehicle to a person who is under the influence of alcohol or whose ability to operate such vehicle is otherwise impaired is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

(2) The punishment shall be:

- a) imprisonment for up to three years for a felony if the crime results in permanent physical disability or a grave injury to health, or a mass catastrophe;
- b) imprisonment for up to five years for a felony if the crime results in death;
- c) imprisonment between two to eight years for a felony if the crime results in the death of two or more persons or in a fatal mass catastrophe.

Hit and Run

Section 190.

If the operator of a vehicle that is involved in a traffic accident fails to stop at the scene, or leaves the scene before ascertaining whether anybody got injured or is in need of assistance due to any imminent danger to his life or health is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine, if such act does not result in a criminal act of greater gravity.

Interpretative Provisions

Section 191.

(1) The provisions relating to traffic offenses shall be applied also if the violation of traffic regulations for operating a motor vehicle on public roads results in injury or death in a place other than the public road.

(2) For the purposes of Sections 185-187, the provisions pertaining to pedestrians and passengers are not considered to be traffic regulations.

Chapter XIV

Crimes Against Connubiality, Family, Youth and Sexual Morality

Title I

Crimes Against Connubiality, Family and Youth

Bigamy and Contracting a Second Registered Partnership

Section 192.

(1) Any person who contracts a new marriage or second registered partnership while engaged in a previous marriage or registered partnership, or who contracts marriage or a registered partnership with a married person or with a person already engaged in a registered partnership, is guilty of a felony punishable by imprisonment for up to three years.

(2) Any person who contracts marriage while engaged in a registered partnership, or contracts a second registered partnership, and any person who contracts marriage with a person who is engaged in a registered partnership, or contracts a registered partnership with such person, shall be punishable in accordance with Subsection (1).

Changing of Family Status

Section 193.

(1) Any person who alters the family status of another person, and thus in particular exchanges a child or smuggles one into another family, is guilty of a felony punishable by imprisonment for up to three years.

(2) The punishment shall be imprisonment between one to five years, if the alteration of family status is perpetrated:

- a) by an employee of a medical or educational institution within the sphere of his occupation;
- b) by a person responsible for providing care, custody or guidance to a person under the age of eighteen.

(3) If the criminal act is committed by an employee of a medical or educational institution due to negligence, such person shall be guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

Changing of the Custody of a Minor

Section 194.

Any person who takes away a minor from the person who has been granted custody by final decision of the competent authority, without the consent of the custodian, with the purpose of changing custody permanently, or keeps the minor concealed or in secret, is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

Abuse of a Minor

Section 195.

(1) A person who is given custody of a minor to maintain and care for the person in his charge, and who gravely violates the obligations arising from such duty and thereby endangers the physical, intellectual or moral development of the minor, is guilty of a felony punishable by imprisonment between one to five years.

(2) Any person of the age of majority who makes any attempt to persuade a minor to commit a crime or to engage in immoral conduct shall be punishable in accordance with Subsection (1), if such act does not result in a criminal act of greater gravity.

(3) Any person of the age of majority who forces a minor to work is guilty of a felony punishable by imprisonment between two to eight years.

(4) Where a person has been granted custody of a minor by virtue of a court ruling decision of the competent authority, and this person prevents the person holding visitation rights to exercise this right in spite of being sanctioned to enforce this person's right to establish and maintain contact with the minor, is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

(5) Within the meaning of Subsection (1), the person responsible for providing care, custody or guidance to a minor shall also mean the domestic partner of the parent or guardian who has been granted custody, as well as the parent who has been deprived of the right of parental custody, if living in the same household or in the same dwelling with the minor.

Section 195/A.

Nonsupport

Section 196.

(1) Any person who willfully fails to provide support awarded by final decision of the competent authority pursuant to legal regulation is guilty of a misdemeanor punishable by imprisonment for up to two years, community service work, or a fine.

(2)

(3) The punishment shall be imprisonment for up to three years for a felony if the lack of support exposes the entitled party to serious deprivation.

(4) The perpetrator shall not be punishable on the basis of Subsections (1) and (2), and in the case of Subsection (3) his punishment may be reduced without limitation if he satisfies his obligation before the ruling is adopted in the first instance.

Title II

Crimes Against Sexual Morality

Rape

Section 197.

(1) Any person who forces a woman by violence or imminent duress against her life or bodily integrity to have sexual intercourse, or uses the incapacity of the woman for defense or for the manifestation of her will for sexual intercourse, is guilty of a felony punishable by imprisonment between two to eight years.

(2) The punishment shall be imprisonment between five to ten years, if:

a) the victim forced by violence or imminent duress against her life or bodily integrity to have sexual intercourse is under twelve years of age;

b) the victim is in the care, custody or supervision of or receives medical treatment from, the perpetrator;

c) more than one person has sexual intercourse with the victim on the same occasion, knowing about each other's acts.

(3) The punishment shall be imprisonment between five to fifteen years if the provisions of Paragraph *b)* or *c)* of Subsection (2) also apply to rape as defined in Paragraph *a)* of Subsection (2).

Sexual Assault

Section 198.

(1) Any person who forces another person by violence or imminent duress against life or bodily integrity to engage in sodomy or to the endurance thereof, or uses the incapacity of the other person for defense or for the

manifestation of the victim's will for sodomy, is guilty of a felony punishable by imprisonment between two to eight years.

(2) The punishment shall be imprisonment between five to ten years, if:

a) the victim forced by violence or imminent duress against her life or bodily integrity to engage in or to endure sodomy is under twelve years of age;

b) the victim is in the care, custody or supervision of or receives medical treatment from, the perpetrator;

c) if several persons sodomize the victim on the same occasion, knowing about each other's act.

(3) The punishment shall be imprisonment between five to fifteen years if the provisions of Paragraph *b*) or *c*) of Subsection (2) also apply to the sexual assault committed under Paragraph *a*) of Subsection (2).

Crime Against Nature

Section 199.

Forceful Fornication Against Nature

Section 200.

Sexual Abuse of Children

Section 201.

(1) Any person who has sexual intercourse with a person under the age of fourteen, as well as any person over the age of eighteen who engages in fornication with a person under the age of fourteen is guilty of a felony punishable by imprisonment between one to five years.

(2) Any person over the age of eighteen who strives to persuade a person under the age of fourteen to have sexual intercourse or to fornicate with him is guilty of a felony punishable by imprisonment for up to three years.

(3) The punishment shall be imprisonment between two to eight years, or between one to five years, respectively, if the victim of the crime referred to in Subsections (1) and (2) is a relative of the perpetrator, or is in the care, custody or supervision of or receives medical treatment from, the perpetrator.

Section 202.

(1) Any person who persuades a person under the age of fourteen to have sexual intercourse or to fornicate with another person is guilty of a felony punishable by imprisonment between one to five years.

(2) Any person over the age of eighteen who attempts to persuade a person under the age of fourteen to have sexual intercourse or to fornicate with another person is guilty of a felony punishable by imprisonment for up to three years.

(3) The punishment shall be imprisonment between two to eight years, or between one to five years, respectively, if the victim of the crimes referred to in Subsections (1) and (2) is a relative of the perpetrator, or is in the care, custody or supervision of or receives medical treatment from, the perpetrator.

Section 202/A.

Any person who has sexual intercourse or fornicates with a person under the age of eighteen is guilty of a felony punishable by imprisonment of up to three years.

Incest

Section 203.

(1) Any person who has sexual intercourse or fornicates with his relative in direct line is guilty of a felony punishable by imprisonment between one to five years.

(2) A descendant shall not be liable for prosecution if under the age of eighteen at the time the act is committed.

(3) The person who has sexual intercourse or engages in fornication against nature with his brother or sister is guilty of a misdemeanor punishable by imprisonment for up to two years.

Crimes with Illegal Pornographic Material

Section 204.

(1) Any person having possession of pornographic images of a person or persons under the age of eighteen is guilty of a felony punishable by imprisonment of up to three years.

(2) Any person who offers, conveys and/or distributes or makes available pornographic images of a person or persons under the age of eighteen is guilty of a felony punishable by imprisonment of up to five years.

(3) Any person who produces pornographic images of a person or persons under the age of eighteen, and/or distributes or makes such pornographic images available to the general public is guilty of a felony punishable by imprisonment between two to eight years.

(4) A person having a person or persons under the age of eighteen participating in a pornographic show shall be punishable in accordance with Subsection (3) above.

(5) The person providing financial means and thus assisting in the commission of the crimes defined in Subsections (3)-(4) shall be punished by imprisonment between two to eight years.

(6) Any person who instigates a person or persons under the age of eighteen to participate in a pornographic image or in a pornographic show, is guilty of a misdemeanor punishable by imprisonment of up to two years, community service work, or a fine.

(7) For the purposes of this Section:

a) 'image' means a recording made by video, film or photographic equipment or by any other technical means,

b) 'pornographic image' means any image that displays sexuality in a gravely indecent manner of exposure specifically for arousing sexual demeanor,

c) 'pornographic show' means an act to display sexuality in a gravely indecent manner of exposure specifically for arousing sexual demeanor.

Promotion of Prostitution

Section 205.

(1) Any person who makes available a building or another place for another person to engage in prostitution is guilty of a felony punishable by imprisonment for up to three years.

(2) Any person who maintains or operates a brothel, or provides financial means for the operation of a brothel is guilty of a felony punishable by imprisonment for up to five years.

(3) The punishment shall be imprisonment between two to eight years, if:

a) a person under the age of eighteen engages in prostitution in the brothel.

b)

(4) Any person who persuades another person to engage in prostitution shall be punishable in accordance with Subsection (1).

Living on Earnings of Prostitution

Section 206.

Any person who supports himself wholly or in part from the earnings of a person engaging in prostitution is guilty of a felony punishable by imprisonment for up to three years. Banishment may also be applied as an ancillary punishment.

Pandering

Section 207.

(1) Any person who solicits a person for sexual intercourse or fornication for another person for any financial gain is guilty of a felony punishable by imprisonment for up to three years.

(2) The punishment shall be imprisonment between one to five years if pandering is committed in a pattern of criminal business operation.

(3) The punishment shall be imprisonment between two to eight years if pandering is committed:

a) to the injury of a relative of the perpetrator or of a person who is in the care, custody or supervision of or receives medical treatment from, the perpetrator, or a person under the age of eighteen;

b) with deception, violence or direct threat against life or limb.

c)

(4) Any person who conspires to engage in the crime of pandering as defined in Subsection (2) is guilty of a felony punishable by imprisonment for up to three years.

Indecent Exposure

Section 208.

Any person who exposes himself before another person in an indecent way for the satisfaction of his or her sexual desire is guilty of a misdemeanor punishable by imprisonment for up to two years, community service work, or a fine.

Private Motion

Section 209.

The crimes defined in Subsection (1) of Section 197, Subsection (1) of Section 198 and in Subsections (1) and (2) of Section 201 may only be prosecuted upon private motion, except for the case if any crime that is punishable not on private motion is also committed in connection therewith.

Interpretative Provision

Section 210.

For the purposes of Section 197 and Section 198, and of Section 200, persons under the age of twelve shall be deemed as incapable of defense.

Section 210/A.

- (1) 'Prostitution' shall mean when a person regularly engages in sexual intercourse or other sexual activity for pay.
- (2) For the purposes of this Title, 'fornication' shall mean any gravely indecent act with the exception of sexual intercourse, which serves the stimulation or satisfaction of sexual desire.

Chapter XV

**Crimes of Corruption in the Administrative and Law Enforcement Sectors and
Other Segments of Society**

Title I

Crime Against the Order of the Elections, Referendum and Popular Initiative

Section 211.

Any person who, in the course of election, referendum and popular initiative held under the Act on Election Procedures:

- a) obtains nomination by violating the rules of nomination proceedings, by force or violence, threat of force, deception or by offering financial benefits;
 - b) obtains signatures for holding a referendum or popular initiative by force or violence, threat of force, deception or by offering financial benefits money;
 - c) votes without entitlement;
 - d) signs without entitlement, indicates false data;
 - e) obstructs any voter from participating in the election or referendum by force or violence, threat of force or deception, or makes any attempt to influence such person by offering financial benefits;
 - f) infringes upon the confidentiality of the election or referendum;
 - g) falsifies the result of the elections, referendum or popular initiative;
- is guilty of a felony punishable by imprisonment for up to three years.

Title II

Crimes Against Law and Order

Abuse of the Right of Association

Section 212.

Section 212/A.

Any person who participates in the management of a civil organization that has been dissolved by the court is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work or a fine, if such act does not result in a criminal act of greater gravity.

Censorship Violation

Section 213.

Any person who:

- a)
- b) distributes a press product that is subject to confiscation or seizure is guilty of a misdemeanor punishable with a fine.

Violation of Restriction of Entry and Stay

Section 214.

Any foreign national who is subject to a restriction of entry and stay, and who enters the territory of the Republic of Hungary without permission is guilty of a misdemeanor punishable by imprisonment for up to one year.

Aiding in Illegal Residence

Section 214/A.

(1) Any person who provides aid to a foreign national for financial gain to stay in the territory of any Member State of the European Union or any State that is a party to the Agreement on the European Economic Area, furthermore, in any other country whose citizens are enjoying the same treatment as nationals of States who are parties to the Agreement on the European Economic Area, if such foreign national is not a citizen of any of these states is guilty of misdemeanor punishable by imprisonment for up to two years, community service work or a fine, if such act does not result in a criminal act of greater gravity.

(2) Any person who provides aid, above and beyond what is contained in Subsection (1), to a foreign national to stay in the territory of the Republic of Hungary for financial gain shall be punishable in accordance with Subsection (1), if such act does not result in a criminal act of greater gravity.

Destruction of Land Survey Signs

Section 215.

Any person who destroys, damages or removes a land survey sign is guilty of a misdemeanor punishable with a fine.

Vandalism of Historic Monuments

Section 216.

(1) Any person who vandalizes a historic monument which is in his possession is guilty of a felony punishable by imprisonment for up to three years.

(2) Any person who destroys a historic monument referred to in Subsection (1) or causes irreparable damage to such monument, as a result of which it loses its character as a historic monument, shall be punishable by imprisonment of up to five years.

Vandalism of Cultural Goods

Section 216/A.

(1) Any person who vandalizes an object classified as a protected cultural good is guilty of a felony punishable by imprisonment for up to three years.

(2) Any person who destroys an object referred to in Subsection (1) or causes irreparable damage to such object shall be punishable by imprisonment of up to five years.

Illegal Use of Cultural Goods

Section 216/B.

(1) Any person who alienates objects which are considered cultural goods and comprises part of a protected collection or pieces belonging to protected groups of objects or who fails to report changes in the ownership of protected objects which are considered cultural goods in the manner specified by law, is guilty of a felony punishable by imprisonment for up to three years.

(2) Any person who, without an export permit, exports objects which are considered cultural goods and for which an export permit is required, or who exceeds the limits of an export permit shall be punishable in accordance with the provisions of Subsection (1).

Illegal Crossing of State Borders

Section 217.

Smuggling of Human Beings

Section 218.

(1) Any person who, for financial gain or advantage, provides aid to another person for crossing the state borders:

a) without authorization;

b) in an unauthorized manner;

is guilty of a felony punishable by imprisonment for up to three years.

(2) The punishment shall be imprisonment between one to five years for smuggling illegal aliens:

a) for financial gain or advantage;

b) if it involves several persons.

(3) The punishment shall be imprisonment between two to eight years for smuggling illegal aliens:

a) by tormenting the smuggled person;

b) by force of arms;

c) in a pattern of business operation.

(4) Any person who engages in preparations for smuggling illegal aliens, as set forth in Subsections (1)-(3), is guilty of a misdemeanor punishable by imprisonment for up to two years.

(5) Expulsion may also be imposed as ancillary punishment against persons engaged in the smuggling of illegal aliens.

Misprision

Section 219.

Destruction of Frontier Signs

Section 220.

Any person who destroys, damages or removes a sign serving for the demarcation of the state frontier is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

Title III

Violation of State Secret and Service Secret

Violation of State Secret

Section 221.

- (1) Any person who:
 - a) obtains any state secret without proper authorization;
 - b) uses without authorization any state secret that he has obtained, or makes it available to an unauthorized person, or denies it from a competent person;is guilty of a felony punishable by imprisonment between one to five years.
- (2) The punishment shall be:
 - a) imprisonment between two to eight years if the violation of state secret is committed upon a particularly important state secret or it results in great damage;
 - b) imprisonment between five to fifteen years if the state secret becomes available to an incompetent foreign person.
- (3) The person who commits the violation of state secret by negligence shall be punishable for a misdemeanor by imprisonment for up to one year, in the cases of Subsection (2) by imprisonment for up to two years, or up to five years in accordance with the distinction written there.
- (4) Any person who engages in preparations for the violation of state secret defined in Subsection (2) is guilty of a felony punishable by imprisonment for up to three years, or up to five years in accordance with the distinction written there.

Violation of Service Secret

Section 222.

- (1) Any person who:
 - a) obtains any service secret without proper authorization;
 - b) uses without authorization any service secret that he has obtained, or makes it available to an unauthorized person;is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.
- (2) The punishment shall be imprisonment for up to three years for a felony if the crime results in great damage.
- (3) The punishment shall be:
 - a) imprisonment of between one to five years, if - as a consequence of the crime - a service secret becomes available to an incompetent foreign person;
 - b) imprisonment of between two to eight years, if - as a consequence of the crime - a military service secret becomes available to an incompetent foreign person.

Misprision of Violation of State Secret

Section 223.

- (1) Any person who has positive knowledge:
 - a) of preparations for breach of a state secret;
 - b) of any breach of state secret committed knowingly and yet uncovered;and fails to promptly report that to the authorities is guilty of a misdemeanor punishable by imprisonment for up to one year, with community service work, or a fine.
- (2) Relatives of the persons committing the offense referred to in Subsection (1) shall not be liable for prosecution,

State Secret and Service Secret

Section 224.

Title IV

Malfeasance in Office

Abuse of Authority

Section 225.

Any public official who breaches his official duty, transgresses his competence or performs any official act that is illegal or wrongful with the aim of causing unlawful disadvantage or obtaining unlawful advantage is guilty of a felony punishable by imprisonment for up to three years.

Mistreatment in Official Proceedings

Section 226.

- (1) Any public official who physically abuses another person during his official proceedings is guilty of a felony punishable by imprisonment of up to three years.
- (2) Any person who engages in preparations for the criminal act referred to in Subsection (1) is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

Third Degree

Section 227.

- (1) Any public official who attempts by force or threat of force, or by other similar means, to coerce another person into giving information or making a statement, or to withhold information, is guilty of a felony punishable by imprisonment for up to five years.
- (2) Any person who engages in preparations for the interrogation of a person for the coercion of information by force is guilty of misdemeanor punishable by imprisonment for up to two years.

Unauthorized Covert Information-Gathering

Section 227/A.

(1) Any public official who covertly gathers information without authorization for which the authorization of a judge or the minister in charge of the judicial system is required, or covertly acquires data during a criminal proceeding that is subject to authorization by a judge, or exceeds the scope of such authorization is guilty of a felony punishable by imprisonment for up to five years.

(2) Any person who, without proper authorization, orders or authorizes covert information-gathering for which the authorization of a judge or the minister in charge of the judicial system is required or who covertly acquires data during a criminal proceeding that is subject to authorization by a judge shall be punishable in accordance with Subsection (1).

(3) Punishment shall be between two to eight years of imprisonment if the criminal act causes a significant injury of interests.

Unlawful Detention

Section 228.

(1) Any public official who unlawfully deprives another person of his personal freedom is guilty of a felony punishable by imprisonment for up to five years.

(2) The punishment shall be imprisonment between two to eight years, if the unlawful detention is committed:

- a) for a malicious motive or purpose;
- b) with the torment of the injured party;
- c) causing a grave consequence.

(3)

Section 228/A.

Title V

Crimes Against Public Officials

Assault Against Public Officials

Section 229.

(1) Any person who attempts to prevent a public official or a foreign public official in his lawful proceedings by force or by threat of force, or takes certain action, or assaults him during or because of his proceedings, is guilty of a felony punishable by imprisonment for up to three years.

(2) The punishment shall be imprisonment for up to five years if the assault against a public official is committed as a group or armed with a deadly weapon.

(3) The organizer or head of the group referred to in Subsection (2) shall be punishable with imprisonment between two to eight years.

(4) Any person who participates in a group arranged to commit assault against a public official is guilty of a misdemeanor punishable by imprisonment for up to two years, while the organizer and the head of the group shall be punishable for a felony with imprisonment for up to three years.

(5) The person who assaults a public official or a foreign public official because of his proceedings shall be punished according to Subsections (1)-(4), even if the assaulted person is no longer a public official or foreign public official at the time the criminal act is committed.

(6) Any person who engages in preparations to commit assault against a public official is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

(7) A person participating in the above-specified group shall not be liable for prosecution under Subsection (4) if he leaves the group voluntarily or upon the invitation of an authority.

Violence Against a Person Performing Public Duties

Section 230.

The provisions set forth in Section 229 shall be applied for punishment in respect of a person who commits the act defined therein against a person performing public duties.

Violence Against a Person Aiding a Public Official

Section 231.

Any person who commits the act defined in Section 229 against a person aiding or defending a person performing official or public duties shall be punishable in accordance with the provisions of Section 229.

Violence Against a Person Under International Protection

Section 232.

(1) Any person who commits an act of assault against a person under international protection while in the domestic territory, deprives such person of his personal freedom, endangers his privacy or violates his personal freedom by, in particular, an assault on his office, private residence or means of transport is guilty of a felony punishable by imprisonment for up to five years.

(2) Any person threatening to commit the crime specified in Subsection (1) is guilty of a felony punishable by imprisonment for up to three years.

(3) For the purposes of this Act, a 'person under international protection' shall mean any foreign official granted diplomatic immunity by virtue of a treaty or some other form of privilege under international law.

Title VI

Crimes Against the Judicial System

False Accusation

Section 233.

(1) Any person who:

- a) falsely accuses another person before an authority of the perpetration of a crime;
 - b) conveys any forged evidence relating to a crime to the authority;
- is guilty of a felony punishable by imprisonment for up to three years.

(2) The punishment shall be imprisonment of up to five years if criminal proceedings are instituted on the basis of the false accusation.

(3) If the accused is sentenced on the basis of false accusation the punishment shall be imprisonment between two to eight years.

Section 234.

The person who falsely accuses another person before an authority of the perpetration of a crime, for being unaware due to negligence that his representation is untrue or that the evidence is false, is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

Section 235.

Any person who:

a) falsely accuses another person of the perpetration of a minor offense before an investigating authority, the prosecutor, the court or a misdemeanor authority, or of the perpetration of a official misdemeanor before an investigating authority, prosecutor, court or the party exercising disciplinary authority;

b) conveys any forged evidence against another person to the authority referred to in Paragraph a) relating to a minor offence or an official misdemeanor;

is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

Section 236.

(1) If proceedings have been instituted upon false accusation (original process), criminal proceedings for malicious prosecution may be instituted until the termination thereof only on the basis of a motion by the authority of original process. Save for the case of such motion, the term of limitation for malicious prosecution begins on the day of the termination of the original process.

(2) The punishment of a person guilty of false accusation may be reduced without limitation or, in cases deserving special consideration, dismissed altogether, if he confesses the malicious nature of the accusation before the conclusion of the original process to the acting authority.

Misleading of Authority

Section 237.

The person who makes any report to an authority, serving as basis for criminal proceedings, in the knowledge of such information being untrue - Section 233 notwithstanding -, is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

Perjury

Section 238.

(1) Any witness who gives false testimony before the court or another authority concerning an essential circumstance of a case, or suppresses evidence is guilty of perjury.

(2) The provisions relating to perjury shall be applied to any person who:

a) gives false opinion as an expert or false information as a special adviser;

b) falsely translates as an interpreter or a translator;

c) presents a false document or manipulated physical evidence in criminal or civil proceedings, Paragraph b) of Subsection (1) of Section 233 notwithstanding.

(3) The defendant in criminal proceedings shall not be liable for prosecution on the basis of Paragraph c) of Subsection (2).

(4) Perjury committed in a criminal case shall be considered a felony subject to imprisonment for up to five years. If perjury concerns a crime that carries a maximum sentence of life imprisonment, the punishment shall be imprisonment between two to eight years.

(5) Perjury committed in a criminal case shall be considered a felony subject to imprisonment for up to three years, and if the case concerns a particularly considerable pecuniary value or any other form of interest that is considered particularly substantial, the punishment shall be imprisonment for up to five years.

(6) Any person who commits perjury due to negligence is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

Section 239.

Any person who commits perjury in a disciplinary, infraction, arbitration case, or any other judicial proceeding, is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

Section 240.

Criminal proceedings for perjury may be instituted in connection with a case for which the false testimony was presented (original process) solely upon the motion of the authority acting in the original process, before the case is concluded. Save for the case of such motion, the prescription of perjury commences on the day of the termination of the original process.

Section 241.

- (1) Any person:
 - a) whose testimony would reveal his guilt or that of his relative in a criminal act;
 - b) who may decline to testify for any other reason, but was not advised accordingly before being questioned, or who cannot be interrogated by law;shall not be liable for prosecution for perjury.
- (2) The punishment may be reduced without limitation or dismissed altogether in cases deserving special consideration against a person who confesses to the acting authority before the conclusion of the original process of having provided false evidence.

Subornation of Perjury

Section 242.

(1) Any person who attempts to persuade another person to give false testimony in a criminal case is guilty of a felony punishable by imprisonment for up to three years, or if committed in a civil proceeding the perpetrator is guilty of misdemeanor punishable by imprisonment for up to two years.

(2) Any person committing subornation of perjury in a disciplinary, infraction or arbitration case or any other judicial proceeding shall be punished by imprisonment for up to one year, community service work, or a fine.

Obstruction of Justice

Section 242/A.

(1) Any person who attempts by force or threat of force to prevent another person in the free exercise of his lawful rights in a court or other judicial proceeding, or induces him to neglect his duties is guilty of obstruction of justice.

(2) When obstruction of justice is committed in connection with a criminal case, it is punishable by imprisonment for up to five years; if the criminal case involves a crime that carries a life sentence, the punishment shall be imprisonment between two to eight years.

(3) When obstruction of justice is committed in connection with a civil case or with a disciplinary, infraction or arbitration case or any other judicial proceeding, the punishment shall be imprisonment for up to three years, and if the case concerns a particularly considerable pecuniary value or any other form of interest that is considered particularly substantial, the punishment shall be imprisonment for up to five years.

Contempt

Section 242/B.

(1) Any person who displays an apparently anti-social and violent conduct aiming to undermine, embarrass or obstruct the court's or another authority's discharge of its duties is guilty of a misdemeanor punishable by imprisonment for up to two years, if such act does not result in a criminal act of greater gravity.

(2) The punishment shall be imprisonment of up to three years for a felony if the crime referred to in Subsection (1) above frustrates the proceedings of the court or other authority.

(3) The punishment shall be imprisonment for up to five years if the crime described in Subsection (1) above is committed in a group, or by actual or implied force of arms.

(4) For the purposes of this Section, violent conduct shall also mean any act of aggression and undue influence exerted on a person by the application of physical force, also if it does not result in bodily injury.

Violation of Confidentiality Related to Law Enforcement

Section 242/C.

(1) Any person who reveals any information, data and facts he has obtained in a criminal proceeding in the capacity of official witness without proper authorization is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

(2) Any person who reveals any information learned in a closed court session without proper authorization shall be punishable in accordance with Subsection (1), if such act does not result in a criminal act of greater gravity.

Suppressing Extenuating Circumstances

Section 243.

(1) Any person who fails to disclose any facts that may bring about the acquittal of a person prosecuted in criminal proceedings, to the person, to his counsel or the authorities, is guilty of a felony punishable by imprisonment for up to five years.

(2) A person shall not be liable for prosecution according to Subsection (1):

- a) if his coming forth with a fact would reveal his guilt or that of his relative in a criminal act;
- b) whose testimony is inadmissible according to this Act.

Harboring a Criminal

Section 244.

(1) Any person, who - without having agreed with the perpetrator of a crime before the perpetration:

- a) gives assistance to the perpetrator to escape from the authority;
- b) attempts to obstruct the criminal proceedings;
- c) partakes in securing the profit resulting from the crime;

is guilty of a misdemeanor punishable by imprisonment for up to one year.

(2) Any person who provides shelter to a criminal commits harboring for financial gain, and is guilty of a felony punishable by imprisonment for up to three years.

(3) The punishment shall be for a felony imprisonment for up to five years if the shelter and protection is provided:

- a) to a criminal that is involved in criminal activities to overturn the constitutional order by force, in conspiracy against the constitutional order, riot, sabotage, high treason, treachery, giving aid and comfort to the enemy, espionage, homicide [Subsections (1)-(2) of Section 166], kidnapping, act of terrorism, seizure of an aircraft, of any means of railway, water or road transport or any means of freight transport or a military offense that carries the maximum sentence of life imprisonment;

b) by a public official during his proceedings.

(4) Except for Subsection (2) and Paragraph b) of Subsection (3), the person who provides the assistance referred to in Paragraph a) of Subsection (1) to his relative shall not be liable for prosecution.

Escape of Prisoner

Section 245.

(1) Any person who escapes from the custody of the authority in the course of criminal proceedings or from imprisonment is guilty of a felony punishable by imprisonment for up to three years.

(2) Any inmate who is released from custody on the grounds of authorized interruption, leave, short leave or furlough, and fails to return in due time with the intention of evading further imprisonment is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

Riot of Prisoners

Section 246.

(1) Any prisoner who conspires with his fellow prisoners in an open disobedience gravely endangering the order of law enforcement is guilty of a felony punishable by imprisonment between one to five years.

(2) The punishment for riot of prisoners shall be imprisonment between two to eight years:

a) for the instigator, organizer or leader of the riot;

b) for any participant who applies violence against a person attempting to break off the riot.

(3) The punishment for riot of prisoners shall be imprisonment between five to fifteen years if the crime leads to particularly grave consequences.

(4) In the case of Subsection (1), the punishment of the person who gives himself up voluntarily or upon the appeal of the authority may be reduced without limitation.

(5) Any person who engages in preparations for a riot of prisoners is guilty of a felony punishable by imprisonment for up to three years.

Legal Malpractice

Section 247.

(1) Any attorney who - with the aim of causing unlawful wrong to his client - breaches his professional duty is guilty of a felony punishable by imprisonment for up to three years.

(2) The punishment shall be imprisonment for up to five years if the crime is committed for financial gain.

(3) For the purposes of this Section, 'attorney' shall also include articulated clerks and any other persons entitled to provide legal counsel as part of his profession.

Pettifoggery

Section 248.

(1) Any person who unlawfully performs attorney, legal counsel or notary services in a pattern of business operation is guilty of a misdemeanor punishable by imprisonment for up to two years, community service work, or a fine.

(2) Any person who commits pettifoggery by pretending to have proper authorization to engage in attorney, legal counsel or notary services is guilty of a felony punishable by imprisonment for up to three years.

Breaking of Seals

Section 249.

(1) Any person who removes or damages a seal installed for confiscation, seizure or sequestration ordered in the course of an official proceeding, or opens the sealed-off premises serving for the custody of confiscated, seized or sequestered items, is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

(2) Any person who conceals a confiscated, seized or sequestered item from execution is guilty of a misdemeanor punishable by imprisonment for up to two years, community service work, or a fine.

(3) The person who commits the criminal act defined in Subsection (2) shall not be liable for prosecution if he returns the item in question undamaged to the acting authority before the indictment is filed.

Obstruction of Judicial Enforcement

Section 249/A.

(1) Any person who was fined for contempt in the course of judicial enforcement and continues the conduct for which the fine was imposed, or fails to comply with his obligation prescribed by law in connection with the enforcement proceeding, other than the obligation contained in the executable document, is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

(2) The perpetrator shall not be liable for prosecution if he complies with his obligation in connection with the enforcement proceeding before the indictment is filed.

Obstruction of Justice in International Court

Section 249/B.

The provisions of Sections 233-234, Sections 236-238 and Sections 240-244 shall apply when the acts defined therein are committed in the course of or in connection with, proceedings of an international criminal court installed under international convention promulgated by an act, or under a statutory resolution adopted by the United Nations Security Council, or by the Court of the European Communities.

Title VII

Crimes Against Public Justice

Bribery

Section 250.

(1) Any public official who requests an unlawful advantage in connection with his actions in an official capacity, or accepts such advantage or a promise thereof, or agrees with the party requesting or accepting the advantage, is guilty of a felony punishable by imprisonment between one to five years.

(2) The punishment shall be imprisonment between two to eight years if the act of crime is committed:

- a) by a public official in a high office, or by one vested with competence in affairs of key importance;
- b) by another public official in matters of great importance.

(3) The perpetrator shall be punished by imprisonment between two to eight years, or between five to ten years in accordance with the distinction contained in Subsections (1) and (2), if he breaches his official duty in exchange for unlawful advantage, exceeds his competence or otherwise abuses his official position, or if he commits the act in criminal conspiracy or in a pattern of business operation.

Section 251.

(1) Any employee or member of a budgetary agency, economic operator or non-governmental organization who requests an unlawful advantage in connection with his actions in an official capacity, accepts such advantage or a promise in exchange for violating his responsibilities or agrees with the party requesting or accepting the advantage is guilty of a misdemeanor punishable by imprisonment for up to two years.

(2) Any person who breaches his official duty in exchange for unlawful advantage is guilty of felony punishable by imprisonment between one to five years, or between two to eight years if the breach involves a matter of greater importance or if committed in a criminal conspiracy or in a pattern of business operation.

Section 252.

(1) Any employee or member who is authorized to act in the name and on behalf of a budgetary agency, economic operator or non-governmental organization, who requests an unlawful advantage in connection with his actions in an official capacity, or accepts such advantage or a promise thereof, or agrees with the party requesting or accepting the advantage, is guilty of a felony punishable by imprisonment between one to five years.

(2) Any person who breaches his official duty in exchange for unlawful advantage may be punished by imprisonment between two to eight years.

(3) The punishment shall be imprisonment between five to ten years:

- a) if the breach involves a matter of greater importance;
- b) if committed in a criminal conspiracy or in a pattern of business operation.

Section 253.

(1) Any person who gives or promises unlawful advantage to a public official or to another person on account of such official's actions in an official capacity is guilty of a felony punishable by imprisonment for up to three years.

(2) The person committing bribery shall be punished for a felony by imprisonment between one to five years, if he gives or promises the advantage to a public official to induce him to breach his official duty, exceed his competence or otherwise abuse his official position.

(3) The director of a business association, or a member or employee with authority to exercise control or supervision shall be punished according to Subsection (1), if the member or employee of the business association commits the criminal act defined in Subsections (1)-(2) for the benefit of the business association, and the criminal act could have been prevented had he properly fulfilled his control or supervisory obligations.

(4) The director of a business association, or a member or employee with authority to exercise control or supervision shall be punished for misdemeanor by imprisonment for up to two years, community service work, or a fine, if the criminal act defined in Subsection (3) is committed due to negligence.

Section 254.

(1) Any person who gives or promises unlawful advantage to an employee or member of a budgetary agency, economic operator or non-governmental organization, or to another person on account of such employee or member, to induce him to breach his duties is guilty of a misdemeanor punishable by imprisonment for up to two years.

(2) The punishment shall be imprisonment for up to three years if the unlawful advantage is given or promised to an employee or member who is authorized to act in the name and on behalf of a budgetary agency, economic operator or non-governmental organization.

Section 255.

(1) Any person who gives unlawful advantage to another person, or to a third person on account of such person, to induce him to refrain from exercising his lawful rights in a court or other judicial proceeding, or to induce him to neglect his duties is guilty of felony and may be punished by imprisonment for up to three years.

(2) Any person who accepts unlawful advantage so as to refrain from exercising his lawful rights in a court or other judicial proceeding, or to neglect his duties shall be punished according to Subsection (1).

Section 255/A.

(1) The perpetrator of a criminal act defined in Subsections (1) and (2) of Section 250, Subsection (1) of Section 251, Subsection (1) of Section 252, and Subsection (2) of Section 255 shall be exonerated from punishment if he confesses the act to the authorities first hand, surrenders the obtained unlawful financial advantage in any form to the authorities, and reveals the circumstances of the criminal act.

(2) The perpetrator of a criminal act defined in Section 253, Section 254, and Subsection (1) of Section 255 shall be exonerated from punishment if he confesses the act to the authorities first hand and reveals the circumstances of the criminal act.

Misprision of Bribery

Section 255/B.

(1) Any public official who has positive knowledge of an act of bribery (Sections 250-255 of the Criminal Code) yet undetected, and fails to promptly report that to the authorities is guilty of a misdemeanor punishable by imprisonment for up to two years, community service work, or a fine.

(2) The close relative of the perpetrator shall not be liable for prosecution pursuant to Subsection (1).

Influence Peddling

Section 256.

(1) Any person who - purporting to influence a public official - requests or accepts an unlawful advantage for himself or on behalf of another person is guilty of a felony punishable by imprisonment between one to five years.

(2) The punishment shall be imprisonment between two to eight years if the perpetrator:

- a) purports to or pretends that he is bribing a public official;
- b) pretends to be a public official;
- c) commits the crime in a pattern of business operation.

(3) Any person who commits the crime defined in Subsection (1):

- a) in connection with an employee or member of an economic operator or non-governmental organization is guilty of a misdemeanor punishable by imprisonment for up to two years;
- b) in connection with an employee or member who is authorized to act in the name and on behalf of an economic operator or non-governmental organization is guilty of a felony punishable by imprisonment for up to three years.

(4) Any person who commits the crime defined in Subsection (3) in a pattern of business operation is guilty of a felony punishable by imprisonment for up to three years, or between one to five years, as consistent with the categories specified therein.

Persecution of a Person Making a Notice of Public Concern

Section 257.

Any person who takes any detrimental action against a person who has made an announcement of public concern is guilty of a misdemeanor punishable by imprisonment for up to two years, community service work, or a fine.

Confiscation

Section 258.

Interpretative Provision

Section 258/A.

For the purposes of this Title:

- 1)
- 2) 'breach of duty' shall also mean the fulfillment of a duty subject to the granting of a favor.

Title VIII

CRIMES AGAINST INTERNATIONAL JUSTICE

Bribery in International Relations

Section 258/B.

(1) Any person who gives or promises unlawful advantage to a public official of another country or to a third person on account of such public official, in connection with his actions in an official capacity is guilty of a misdemeanor punishable by imprisonment for up to three years.

(2) The person committing bribery shall be punished by imprisonment between one to five years, if he gives or promises the unlawful advantage to a foreign public official to induce him to breach his official duty, exceed his competence or otherwise abuse his official position.

(3) The director of a business association, or a member or employee with authority to exercise control or supervision shall be punished according to Subsection (1), if the member or employee of the business association commits the criminal act defined in Subsections (1) and (2) for the benefit of the business association, and the criminal act could have been prevented had he properly fulfilled his control or supervisory obligations.

(4) The director of a business association, or a member or employee with authority to exercise control or supervision shall be punished for misdemeanor by imprisonment for up to two years, community service work, or a fine, if the criminal act defined in Subsection (3) is committed due to negligence.

Section 258/C.

(1) Any person who gives or promises unlawful advantage to an employee or member of a foreign business association, or to another person on account of such employee or member, to induce him to breach his duties is guilty of a misdemeanor punishable by imprisonment for up to two years.

(2) The punishment shall be imprisonment for up to three years if the unlawful advantage is given or promised to an employee or member who is authorized to act in the name and on behalf of a foreign business association.

Section 258/D.

(1) Any foreign public official who requests an unlawful advantage in connection with his actions in an official capacity, or accepts such advantage or a promise thereof, or agrees with the party requesting or accepting the advantage, is guilty of a felony punishable by imprisonment between one to five years.

(2) The perpetrator shall be punished by imprisonment between two to eight years, if he breaches his official duty in exchange for unlawful advantage, exceeds his competence or otherwise abuses his official position, or if he commits the act in criminal conspiracy or in a pattern of business operation.

Influence Peddling in International Relations

Section 258/E.

Any person who - purporting to influence a foreign public official - requests or accepts an unlawful advantage for himself or on behalf of another person is guilty of a felony punishable by imprisonment for up to five years.

Interpretative Provision

Section 258/F.

For the purposes of this Title:

- 1)
- 2) 'foreign economic operator' shall mean organizations vested with legal personality according to the laws of its home country, which is entitled to perform economic activities in its prevailing organizational form.

Chapter XVI

Crimes against Law and Order

Title I

Crimes against Public Safety

Public Endangerment

Section 259.

(1) Any person who endangers public safety by causing a flood, by bringing about the destructive force of an explosive, radiating or other substance, energy carrier or fire, or obstructs the prevention of public danger or the ensuing efforts to clean up damages, is guilty of a felony punishable by imprisonment between two to eight years.

(2) The punishment shall be imprisonment between five to ten years if the criminal act is committed:

- a) as part of a criminal conspiracy;
- b) causes particularly considerable or greater pecuniary injury.

(3) The punishment shall be imprisonment between five to fifteen years or life imprisonment, if the public endangerment results in the death of one or more persons.

(4) A person who causes public danger by negligence shall be punishable for a misdemeanor offense by imprisonment for up to three years, or, if such offense causes particularly considerable or greater pecuniary injury, up to five years, or, if such offense results in the death of one or more persons, between two to eight years.

(5) Any person who engages in preparations for public endangerment shall be punishable for a felony by imprisonment for up to three years.

(6) The punishment of the person who voluntarily terminates the public danger before any damage occurs therefrom may be reduced without limitation.

Interference with Works of Public Concern

Section 260.

(1) Any person who interferes with the functioning of public works to a considerable extent by damaging its equipment, cables, or interferes in any other way, is guilty of a felony punishable by imprisonment for up to five years.

(2) The punishment shall be imprisonment between two to eight years if the crime is committed in a group, or by actual or implied force of arms, or as part of criminal conspiracy.

(3) The punishment shall be imprisonment between five to ten years if the crime results in particularly considerable financial injury.

(4) The punishment shall be imprisonment between five to fifteen years if the crime results in particularly substantial financial injury.

(5) Any person who engages in preparations for interference with the functioning of public works is guilty of misdemeanor punishable by imprisonment for up to two years.

(6) The person who commits the crime by negligence shall be punishable for a misdemeanor offense by imprisonment of up to three years, or, if it causes particularly considerable financial injury or greater, by imprisonment of up to five years.

(7) For the purposes of this Section, 'public works' shall mean public utilities, public transportation operations, telecommunications networks, as well as plants producing war materials, energy or basic materials destined for industrial use.

Acts of Terrorism

Section 261.

(1) Any person who commits a violent crime against one of the persons referred to in Subsection (9) or commits a crime that endangers the public or involves the use of a firearm in order to:

a) coerce a government agency, another state or an international body into doing, not doing or countenancing something;

b) intimidate the general public;

c) conspire to change or disrupt the constitutional, economic or social order of another state, or to disrupt the operation of an international organization;

is guilty of a felony punishable by imprisonment between ten to fifteen years, or life imprisonment.

(2) Any person who seizes considerable assets or property for the purpose defined in Paragraph a) and makes demands to government agencies or non-governmental organizations in exchange for refraining from harming or injuring said assets and property or for returning them shall be punishable according to Subsection (1).

(3) The punishment of any person who:

a) abandons commission of the criminal act defined under Subsections (1) and (2) before any grave consequences are able to materialize; and

b) confesses his conduct to the authorities;

in such a manner as to cooperate with the authorities to prevent or mitigate the consequences of such criminal act, apprehend other coactors, and prevent other criminal acts may be reduced without limitation.

(4) Any person who instigates, suggests, offers, joins or collaborates in the commission of any of the criminal acts defined under Subsections (1) and (2) or any person who is involved in aiding and abetting such criminal conduct by providing any of the means intended for use in such activities or by providing or raising funds to finance the activities is guilty of felony punishable by imprisonment between two to eight years.

(5) Any person who is engaged in the conduct referred to in Subsection (4) or in the commission of any of the criminal acts defined under Subsections (1) and (2) in a terrorist group, or supports the terrorist group in any other form is guilty of felony punishable by imprisonment between five to ten years.

(6) The perpetrator of a criminal act defined in Subsection (4) or (5) shall not be liable for prosecution if he confesses the act to the authorities before they become aware of it and reveals the circumstances of the criminal act.

(7) Any person threatening to commit the crimes specified in Subsections (1) and (2) is guilty of a felony punishable by imprisonment between two to eight years.

(8) Any person who has positive knowledge concerning plans for a terrorist act and fails to promptly report that to the authorities is guilty of a felony punishable by imprisonment for up to three years.

(9) For the purposes of this Section:

a) 'violent crime against a person and crime of public endangerment that involves the use of firearms' shall mean homicide [Subsections (1) and (2) of Section 166], battery [Subsections (1)-(5) of Section 170], willful malpractice [Subsection (3) of Section 171], violation of personal freedom (Section 175), kidnapping (Section 175/A), crimes against transportation safety [Subsections (1) and (2) of Section 184], endangering railway, air or water traffic [Subsections (1) and (2) of Section 185], violence against public officials (Section 229), violence against persons performing public duties (Section 230), violence against a person aiding a public official (Section 231), violence against a person under international protection (Section 232), public endangerment [Subsections (1)-(3) of Section 259], interference with public works [Subsections (1)-(4) of Section 260], seizure of an aircraft, any means of railway, water or road transport or any means of freight transport (Section 262), criminal misuse of explosives or explosive devices (Section 263), criminal misuse of firearms or ammunition [Subsections (1)-(3) of Section 263/A], criminal misuse of military items and services, and dual-use items and technology (Subsections (1)-(3) of Section 263/B), criminal misuse of radioactive materials [Subsections (1)-(3) of Section 264], criminal misuse of weapons prohibited by international convention [Subsections (1)-(3) of Section 264/C], crimes against computer systems and computer data (Section 300/C), robbery (Section 321), and vandalism (Section 324);

b) 'terrorist group' shall mean a group consisting of three or more persons operating in accord for an extended period of time whose aim is to commit the crimes defined in Subsections (1)-(2).

Violation of International Economic Restrictions

Section 261/A.

(1) Any person who violates:

- a) the obligation for freezing liquid assets, other financial interests and economic resources;
- b) an economic, commercial or financial restriction;
- c) import or export prohibitions

imposed on the basis of an obligation to which the Republic of Hungary is committed under international law, or ordered in regulations adopted under Article 60 of the Treaty establishing the European Community, or in regulations and decisions adopted by authorization of these regulations, or ordered in the Council's common position adopted under Article 15 of the Treaty on the European Union, is guilty of a felony punishable by imprisonment for up to five years.

(2) The punishment shall be imprisonment between two to eight years if the violation of international economic restriction is committed:

- a) with violence;
- b) by a public official in an official capacity.

(3) The punishment shall be imprisonment between five to ten years if the violation of international economic restriction is committed:

- a) in connection with trafficking in fire arms, ammunition, explosives, destructive devices or an apparatus serving for the utilization thereof, or of any product designed for military use;
- b) by force of arms.

(4) Any person who engages in preparations for the violation of any international economic restriction shall be punishable for a felony by imprisonment of up to three years.

(5) The person who has positive knowledge of preparations being made for the violation of any international economic restriction or that such a crime has been committed and is as yet undetected, and fails to promptly report that to the authorities, is guilty of a misdemeanor punishable by imprisonment for up to two years. Relatives of the persons committing the offense of misprision shall not be liable for prosecution.

(6) For the purposes of this Section, unless otherwise prescribed by legal regulation promulgating an obligation or restriction under international law:

a) 'funds, other financial assets and economic resources' shall mean the assets specified in Point 1 of Article 1 of Council Regulation (EC) No. 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism;

b) 'freezing of funds, other financial assets and economic resources' shall have the meaning conveyed in Point 2 of Article 1 of Council Regulation (EC) No. 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism.

c) the prohibitions referred to in Paragraph c) of Subsection (1) shall mean the prohibition of import or export of the goods listed in Annex II of Council Regulation (EC) No. 1236/2005 of 27 June 2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment.

Seizure of Aircraft, any Means of Railway, Water or Road Transport or any Means of Freight Transport

Section 262.

(1) Any person who seizes control of an aircraft, any means of railway, water or road transport or any means of freight transport by force or threat of force, or by way of disabling another person by rendering him unconscious or incapable of self-defense is guilty of a felony punishable by imprisonment between five to ten years.

(2) The punishment shall be imprisonment between ten to fifteen years or life imprisonment if the above-specified criminal conduct results in the death of one or more persons.

(3) Any person who engages in preparations for the seizure of an aircraft, any means of railway, water or road transport or any means of freight transport is guilty of a felony punishable by imprisonment between two to eight years.

(4) The punishment of any person who abandons commission of the criminal act before any grave consequences are able to materialize may be reduced without limitation.

Illegal Possession of Explosives or other Destructive Devices

Section 263.

(1) Any person who prepares, obtains, possesses or transfers to a person who is not entitled to possess explosives or destructive devices, or equipment for the use of such, without authorization, is guilty of a felony punishable by imprisonment between two to eight years.

(2) Any person who imports to, exports from, or transports through the territory of Hungary explosives, destructive devices or equipment serving for the use of such, without authorization, or by exceeding the scope of the authorization, is guilty of a felony punishable by imprisonment between five to ten years.

(3) The punishment shall be imprisonment between five to ten years or between five to fifteen years if the criminal act described, respectively, in Subsection (1) and Subsection (2) is committed:

a) in a pattern of business operation;

b) as part of a criminal conspiracy.

(4) Any person who engages in preparations for the criminal act referred to in Subsection (2) shall be punishable for a felony offense by imprisonment of up to five years.

Illegal Possession of Firearms or Ammunition

Section 263/A.

(1) Any person who:

a) prepares, obtains, possesses or distributes firearms or ammunition without a license;

b) exceeds the provisions of the license relating to the preparation, obtaining, possession of or trade in, firearms or ammunition;

c) transfers his firearm or ammunition kept under license to a person who has no license;

is guilty of a felony punishable by imprisonment between two to eight years.

(2) Any person who imports to, exports from, or transports through the territory of Hungary firearms or ammunition without authorization, or by exceeding the scope of the authorization, is guilty of a felony punishable by imprisonment between five to ten years.

(3) The punishment shall be imprisonment between five to ten years or between five to fifteen years if the criminal act described, respectively, in Subsection (1) and Subsection (2) is committed:

a) in a pattern of business operation;

b) as part of a criminal conspiracy.

(4) Any person who:

a) transfers a small quantity of ammunition kept for his licensed sidearm, hunting gun or sporting gun to a person with no license for such weapon;

b) obtains or possesses a small quantity of ammunition for his hunting gun or sporting gun without proper authorization;

c) imports to, exports from, or transports through the territory of Hungary his licensed sidearm, hunting gun or sporting gun, or the ammunition kept for such sidearm, hunting gun or sporting gun;

shall be punishable for a felony offense by imprisonment of up to three years.

(5) Any person who engages in preparations for the criminal act referred to in Subsection (2) shall be punishable for a felony offense by imprisonment of up to five years.

Criminal Misuse of Military Items and Services, and Dual-Use Items and Technology

Section 263/B.

(1) Any person who:

a) engages in the manufacture of military items or the supply of military services without authorization, or by exceeding the scope of the authorization;

b) manufactures, obtains, uses, possesses or transfers military items, which are controlled by law, or imports, exports or transports such items through the territory of Hungary;

c) engages in the international trading of military items or dual-use items, including if delivered in the customs territory of the European Community, and the supply of technical support services for military purposes without authorization or without an International Import Certificate or equivalent documents, or by exceeding the scope of the authorization or International Import Certificate;

is guilty of a felony punishable by imprisonment between two to eight years.

(2) Any person who:

a) provides technical assistance for the development, production, handling, operation, maintenance, storage, detection, identification or dissemination of chemical, biological or nuclear weapons or other nuclear explosive devices or the development, production, maintenance or storage of missiles capable of delivering such weapons;

b) provides technical assistance in connection with any military application other than what is contained in Paragraph *a)* respect to a country that is subject to an arms embargo imposed by a resolution that is considered binding upon the Republic of Hungary under international commitment shall be punishable in accordance with Subsection (1) above.

(3) The punishment shall be imprisonment between five to ten years if the criminal act described in Subsection (1) is committed:

a) in a pattern of business operation;

b) as part of a criminal conspiracy.

(4) Any person who engages in preparations for the criminal act referred to in Subsection (1) shall be punishable for a felony offense by imprisonment of up to five years.

(5) For the purposes of this Section:

a) 'customs territory of the Community' shall mean the area defined in Article 3 of Council Regulation (EEC) No. 2913/92 of 12 October 1992 establishing the Community Customs Code;

b) 'dual-use items' shall mean the items defined in Article 2 *a)* of Council Regulation (EC) No. 1334/2000 of 22 June 2000 setting up a Community regime for the control of exports of dual-use items and technology.

Affiliation with Organized Crime

Section 263/C.

(1) Any person who instigates, suggests or offers, or joins or collaborates to engage in criminal activities in affiliation with organized crime, or who provides the means intended to be used for such activities, or supports the activities of the criminal organization in any other manner is guilty of felony punishable by imprisonment for up to five years.

(2) Any person who confesses the criminal act to the authorities first hand and reveals the circumstances of commission shall not be liable for prosecution on the grounds of affiliation with organized crime.

Misuse of Radioactive Substance

Section 264.

(1) Any person who - without a proper authorization - produces, acquires, possesses, disposes, distributes, processes or otherwise uses a radioactive substance or preparation that is dangerous to health or the environment, or transfers it to an unauthorized person, imports or exports them or transports them through the territory of the country is guilty of a felony punishable by imprisonment for up to five years.

(2) Any person who produces, stores, transports or disposes radioactive substance by infringing any legal obligation shall be punishable according to Subsection (1).

(3) Any person who commits the crime defined in Subsections (1) and (2) as a part of criminal conspiracy shall be punishable by imprisonment between two to eight years.

(4) Any person who commits the acts described in Subsection (2) by negligence shall be punishable for misdemeanor by imprisonment for up to two years.

(5) Any person who engages in preparations for the criminal misuse of radioactive materials is guilty of a felony punishable by imprisonment of up to three years.

Illegal Operation of Nuclear Facilities

Section 264/A.

(1) Any person who - without the authorization prescribed by law or inconsistent with the provisions of the authorization - operates a nuclear facility is guilty of a felony punishable by imprisonment for up to five years.

(2) The person who commits the crime defined in Subsection (1) as a part of criminal conspiracy shall be punishable by imprisonment between two to eight years.

(3) Any person who engages in preparations for the illegal operation of a nuclear facility is guilty of a felony punishable by imprisonment of up to three years.

Crimes in Connection with Nuclear Energy

Section 264/B.

(1) Any person who - in order to obtain the authorization prescribed by law for the use of nuclear energy - misleads the body or person vested with decision-making powers is guilty of a felony punishable by imprisonment for up to five years.

(2) The person who fails to perform his obligation of notification in connection with the application of nuclear energy as prescribed by law shall be punishable by imprisonment for up to three years.

Crimes with Weapons Prohibited by International Convention

Section 264/C.

(1) Any person who develops, manufactures, obtains, uses or possesses weapons prohibited by international convention, or transfers such weapons to a person without proper authorization, imports, exports or transports such through the territory of Hungary, or is engaged in the illicit trafficking of such, is guilty of a felony punishable by imprisonment between five to fifteen years.

(2) Any person who constructs or operates a facility for the production of weapons prohibited by international convention without the authorization prescribed by law, or inconsistent with the provisions of the authorization, or converts an existing facility for the production of such weapons, or misleads the body or person vested with authority for the authorization of the operation of such facility as prescribed by law, shall be punishable as set forth in Subsection (1).

(3) Any person who commits the act described in Subsections (1)-(2):

a) as part of a criminal conspiracy;

b)

shall be punishable by imprisonment between ten to fifteen years or with life imprisonment.

(4) The person who commits the acts described in Subsection (2) through negligence shall be punishable for misdemeanor by imprisonment for up to two years.

(5) For the purposes of Subsections (1)-(2) the weapons specified by the legal regulations listed under Subsection (3) of Section 160/A shall be construed as weapons prohibited by international convention.

(6)

(7) Any person who engages in preparations for the criminal misuse of weapons prohibited by international convention is guilty of a felony punishable by imprisonment for up to five years.

Misuse of Poison

Section 265.

Any person who - without proper authorization - prepares, possesses or distributes poison, or who fails to take the measures prescribed for the prevention of any illegal use of poisons or for the protection of others is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

Violation of Legal Liabilities Relating to the Keeping of Dangerous Dogs

Section 266.

(1) Any person:

a) who is engaged in breeding, importing or exporting dangerous dogs to or from the territory of Hungary, or who keeps such for racing or other purposes, without permission;

b) who is engaged in the alienating or acquiring dangerous dogs unlawfully;

c) who violates the legal obligation relating to the spaying of dangerous dogs;

d) who violates the security requirements laid down in legal regulations relating to the keeping of dangerous dogs; is guilty of a misdemeanor punishable by imprisonment for up to two years.

(2) Any person keeping or training dangerous dogs for the purpose of security services, and uses dangerous dogs to perform security services is guilty of a felony punishable by imprisonment for up to three years.

(3) For the purposes of Subsections (1) and (2) 'dangerous dog' shall mean any dogs considered dangerous within the meaning of another Act, government decree adopted under authorization conferred by law or by decision of the competent authority.

Organization of Unlawful Animal Fights

Section 266/A.

(1) Any person involved in the organization of fights using vertebrate animals, or in betting on such animal fight, is guilty of a felony punishable by imprisonment for up to three years.

(2) Any person involved in breeding, training, keeping or trafficking of vertebrate animals for the purpose of fights is guilty of misdemeanor punishable by imprisonment for up to two years.

Cruelty to Animals

Section 266/B.

(1) Any person:

a) who is engaged in the unjustified abuse or mistreatment of vertebrate animals resulting in permanent damage to the animal's health or in the animal's destruction;

b) who abandons, dispossess or expels a domesticated mammal or a dangerous animal raised in a human environment;

is guilty of a misdemeanor punishable by imprisonment for up to two years, community service, or a fine.

(2) Any person who is engaged in hunting or fishing using implements and methods forbidden by the Act on Hunting and in the Act on Fishing, respectively, shall be punishable in accordance with Subsection (1).

(3) The punishment shall be imprisonment for a felony for up to three years if the criminal conduct specified in Subsections (1)-(2) is carried out in a manner to cause undue suffering to the animal.

Unlawful Gambling Operations

Section 267.

Any person who is engaged in organizing prohibited gambling activities on a regular basis, or makes available premises for this purpose is guilty of a misdemeanor punishable by imprisonment for up to two years, community service work, or a fine. Banishment may also be applied as an ancillary punishment.

Title II

Crimes Against Public Peace

Incitement Against a Law or Decree of Authority

Section 268.

Any person who - before great publicity - incites to general disobedience against an Act of Parliament or any other statutory provision or decree of an authority so as to disturb public peace is guilty of a felony punishable by imprisonment for up to three years.

Incitement Against a Community

Section 269.

Any person who incites to hatred before great publicity against:

- a) the Hungarian nation;
 - b) any national, ethnic, racial group or certain groups of the population;
- is guilty of a misdemeanor punishable by imprisonment for up to three years.

Blasphemy of National Symbol

Section 269/A.

Any person who - before great publicity - uses an expression to dishonor or degrade the national anthem, the flag or the coat of arms of the Republic of Hungary, or commits any other similar act, if such act does not result in a criminal act of greater gravity, is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

Use of Symbols of Despotism

Section 269/B.

(1) Any person who:

- a) distributes;
- b) uses before great publicity;
- c) exhibits in public;

a swastika, the SS sign, an arrow-cross, sickle and hammer, a five-pointed red star or any symbol depicting the above is guilty of a misdemeanor punishable with a fine, if such act does not result in a criminal act of greater gravity.

(2) The person who engages in the act defined in Subsection (1) for academic purposes or the purposes of education, science, or art, or with the purpose of enlightenment about the events of history or the present time, shall not be liable for prosecution.

(3) The provisions of Subsections (1)-(2) shall not apply to the official symbols of states currently in force.

(4)

Rumor Mongering

Section 270.

Any conduct of uttering or publishing a statement one knows to be false or with a reckless disregard for its truth or falsity at the scene of some emergency by which to violate public order or disturb the public tranquility shall be construed a felony offense and shall be punishable by imprisonment of up to three years.

Threatening with Public Danger

Section 270/A.

(1) A person who:

a) in the presence of others, states any untrue fact intended to disturb the public peace, such as there is imminent danger for the occurrence of an event that is likely to bring harm to the general public, or

b) purports to make believe other persons, intended to disturb the public peace, that there is direct danger for the occurrence of an event that is likely to bring harm to the general public,
is guilty of a misdemeanor punishable by imprisonment for up to two years.

(2) The punishment shall be for a felony imprisonment for up to three years if the criminal act of threat defined in Subsection (1) involves radioactive substances.

(3) The punishment shall be imprisonment for up to three years in respect of Subsection (1) and imprisonment for up to five years in respect of Subsection (2) if the threat of public danger has resulted in a grave disturbance of public peace.

Public Nuisance

Section 271.

(1) Any person who displays an apparently anti-social and violent conduct aiming to incite indignation or alarm in other people is guilty of a misdemeanor punishable by imprisonment for up to two years, community service work, or a fine, if such act does not result in a criminal act of greater gravity.

(2) The punishment shall be for felony imprisonment for up to three years if public nuisance is committed:

a) in group;

b) in a manner gravely disturbing public tranquility.

(3) The punishment shall be for felony imprisonment for up to five years if public nuisance is committed:

a) in a group, in a manner gravely disturbing public peace,

b) in a public event.

(4) Banishment may also be applied as an ancillary punishment.

(5) For the purposes of this Section, violent conduct shall also mean any act of aggression and undue influence exerted on a person by the application of physical force, also if it does not result in bodily injury.

Disorderly Conduct

Section 271/A.

(1) Any conduct of violent or intimidating resistance against the actions of the keeper or security personnel to maintain order at a public event is guilty of a misdemeanor punishable by imprisonment for up to two years, community service work, or a fine, if such act does not result in a criminal act of greater gravity.

(2) The punishment shall be imprisonment for up to three years for disorderly conduct committed in groups or armed with a deadly weapon.

(3) Banishment may also be applied as an ancillary punishment.

(4)

Section 271/B.

For the purposes of Sections 271-271/A, 'public event' shall mean an event as defined in the Act on the Right of Assembly as well as events that are open to the public without discrimination.

Violation of Public Morals

Section 272.

Any person who gravely violates the regulations governing the distribution of sexual products is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

Taking the Law into One's Own Hands

Section 273.

(1) A person who with violence or duress, with the purpose of enforcing his lawful or allegedly lawful pecuniary demand, forces another person to do, not to do, or to endure something, is guilty of a felony punishable by imprisonment between one to five years.

(2) Where the application of violence or duress is the authorized means of the enforcement of a demand, it shall not be treated as taking the law into one's own hands.

Confiscation

Section 273/A.

Title III

Crimes Against Public Confidence

Forgery of Public Documents

Section 274.

(1) Any person who:

a) prepares a forged public document or falsifies the contents of an public document;
b) uses a bogus or forged public document or a public document issued under the name of somebody else;
c) collaborates in the inclusion of false data, facts or declarations in a public document regarding the existence, changing or termination of a right or obligation is guilty of a felony punishable by imprisonment for up to three years.

(2) Any person who engages in preparations for the forging of public documents as defined in Paragraphs a) or b) of Subsection (1) is guilty of misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

(3) The person who performs the forging of public documents defined in Paragraph c) of Subsection (1) by negligence shall be punishable for a misdemeanor with a fine.

Section 275.

(1) Any public official who, abusing his official competence:

a) prepares a forged public document or falsifies the contents of a public document;

b) includes falsely any essential fact in a public document;

is guilty of a felony punishable by imprisonment for up to five years.

Forgery of Private Documents

Section 276.

Any person who uses a bogus or forged private document or a private document with untrue contents for providing evidence for the existence, the changing or termination of a right or obligation, is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

Misuse of a Document

Section 277.

(1) Any person who unlawfully acquires a public document or a document which is not his own or not exclusively his own, from another person without the latter's consent, or destroys, damages or conceals the same, is guilty of a misdemeanor punishable by imprisonment for up to two years, community service work, or a fine.

(2) Any person who perpetrates the act defined in Subsection (1) in respect of a private document in order to gain unlawful advantage or to cause unlawful disadvantage is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

Counterfeiting of Individual Identification Marks

Section 277/A.

(1) Any person who:

a) removes, or counterfeits some other way, an individual identification mark;

b) acquires or uses an article whose individual identification mark is counterfeit or forged, or whose individual identification mark has been removed;

is guilty of a felony punishable by imprisonment for up to three years.

(2) The punishment shall be imprisonment for up to five years if the crime described in Subsection (1) is committed:

a) in a pattern of business operation;

b) as part of a criminal conspiracy.

(3)

Supply of False Statistical Data

Section 278.

Any person who supplies false statistical data or gives false information in connection with data supply is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

Title IV

Crimes Against Public Health

Misuse of Harmful Consumer Goods

Section 279.

(1) Any person who prepares or possesses any consumer goods for the purpose of distribution that is harmful to health is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

(2) The person who places harmful consumer goods on the market is guilty of a felony punishable by imprisonment for up to three years.

(3) The person who commits the crime defined in Subsection (2) by negligence shall be punishable for a misdemeanor by imprisonment for up to one year, community service work, or a fine.

Damaging of the Environment

Section 280.

(1) Any person responsible for any pollution of the earth, the air, the water, the biota (flora and fauna) and their constituents, resulting:

a) in their endangerment;

b) in damage to such an extent that its natural or previous state can only be restored by intervention;

c) in damage to such an extent that its natural or previous state cannot be restored at all;

is guilty of a felony punishable by imprisonment for up to three years in the case of Paragraph *a)*, for up to five years in the case of Paragraph *b)*, and between two to eight years in the case of Paragraph *c)*.

(2) Any person who imports or exports any substance that damages the ozone layer, or any product that contains such substances in a quantity in excess of what is required for personal use, or distributes such substances, is guilty of a felony punishable by imprisonment for up to three years.

(3) The person who damages the environment through negligence shall be punishable for misdemeanor in the cases of Paragraph *a)* of Subsection (1) and of Subsection (2) by imprisonment for up to one year, community service work, or a fine; in the case of Paragraph *b)* of Subsection (1) by imprisonment for up to two years, community service work, or a fine; and in the case of Paragraph *c)* of Subsection (1) by imprisonment for up to three years.

(4) In connection with Paragraph *a)* of Subsection (1) and with the first and second phases of Subsection (3) the perpetrator shall not be punishable, and in the case of Paragraph *b)* of Subsection (1) his punishment may be reduced without limitation if he voluntarily terminates or cleans up the environmental damage before the judgment in the first instance is delivered.

(5) For the purposes of this Section 'pollution' shall mean loading of the earth, the air, the water, the biota (flora and fauna) and their constituents to an extent exceeding the emission standard laid down by law or by decree of the competent authority.

Damaging the Natural Environment

Section 281.

(1) Any person who unlawfully obtains, possesses, distributes, imports, exports, transports through the territory of the country, engages in the trafficking of or damages or destroys:

a) any species of a living organism under special protection;

b) any species of protected living organisms, provided that the aggregate value of these species expressed in monetary terms reaches the threshold amount determined by specific other legislation for the species of a living organism under special protection;

c) any species listed in Annexes A and B to the European Council Regulation on the protection of species of wild fauna and flora by regulating trade therein;

is guilty of a felony punishable by imprisonment for up to three years.

(2) Any person who unlawfully and significantly alters:

a) any special bird protection area or special nature preservation area designated as such by the regulation on conservation areas of importance on the European Community scale, or proposed for such designation, or any conservation areas of special importance, or proposed for such designation, or

b) any protected

1. natural habitat,

2. cave,

3. habitat of living organisms shall be punishable in accordance with Subsection (1).

(3) The punishment shall be imprisonment for up to five years, if:

a) the damage done to nature as set forth in Paragraphs *a)* and *b)* of Subsection (1) results in the destruction of the species of living organisms under special protection or the species of protected living organisms to an extent where the aggregate value of such destroyed species of living organisms under special protection or the species of protected living organisms expressed in monetary terms reaches the highest amount determined by specific other legislation for

the species of a living organism under special protection, times two, or if the environmental damage referred to in Paragraph *c*) results in the destruction of the specimen of living organisms which are not placed under any degree of protection in Hungary;

b) the damage done to the natural areas set out in Subsection (2) results in the irreversible damaging or destruction of any special bird protection area or special nature preservation area designated as such by the regulation on conservation areas of importance on the European Community scale, or proposed for such designation, or any conservation areas of special importance, or proposed for such designation, or any protected natural habitat, cave, or the protected habitat of living organisms.

(4) The person who damages the natural environment as defined in Subsection (3) through negligence shall be punishable for a misdemeanor by imprisonment for up to two years, community service work, or a fine.

(5) For the purposes of this Section 'species of living organisms' shall mean:

a) species of a living organism in any form or stage of development;

b) hybrids of living organisms propagated artificially or otherwise;

c) derivatives of a living organism, including dead specimens and any parts and derivatives thereof, and any goods or products made from any of the above, or containing any ingredient that originates from any of the above.

Violation of Waste Management Regulations

Section 281/A.

(1) Any person who:

a) engages in the disposal of waste at a site that has not been authorized by the competent authority for this purposes;

b) engages in waste management without authorization, or by exceeding the scope of the authorization, or engages in any other unlawful activity involving waste,
is guilty of a felony punishable by imprisonment for up to three years.

(2) The punishment shall be for a felony imprisonment of up to five years if the crime described in Subsection (1) is committed involving waste that is deemed hazardous under the Act on Waste Management.

(3) The person who commits the crime through negligence shall be punishable for misdemeanor by imprisonment for up to one year, community service work, or a fine in the case of Subsection (1), or by imprisonment for up to two years, community service work, or a fine in the case of Subsection (2).

(4) For the purposes of this Section:

a) 'waste' shall mean any substance that is deemed waste under the Act on Waste Management, and that may be hazardous to human life, bodily integrity or health, or the earth, the air, the water, and their constituents, and the species of living organisms;

b) 'waste management' shall mean the collection, gathering, transportation of waste, including if exported from or imported into the country, or transported through the country in transit, and the pre-processing, storage, recovery and disposal of waste.

Misuse of Narcotic Drugs

Section 282.

(1) Any person who, without authorization, produces, manufactures, acquires, possesses, imports or exports narcotic drugs into or from Hungary or who transports such through the territory of Hungary is guilty of a felony punishable by imprisonment for up to five years.

(2) The punishment shall be:

a) imprisonment between two to eight years if the criminal act is committed in a pattern of business operation or as part of a criminal conspiracy or by using a person who is addicted to drugs;

b) imprisonment between five to ten years if the criminal act is committed in respect of a substantial quantity of narcotic drugs.

(3) Any person who:

a) is engaged in preparations for the commission of one of the crimes defined in Subsection (1);

b) produces, supplies, distributes, sells or imports materials, equipment and/or accessories for the production or manufacture of narcotic drugs or transports such items through the territory of the country, if such act does not result in a criminal act of greater gravity;

is guilty of a felony punishable by imprisonment for up to three years.

(4) Any person who supplies financial means for the criminal acts defined in Subsections (1)-(3) shall be punishable as set forth therein.

(5) If the criminal act is committed in respect of a small quantity of narcotic drugs, the punishment shall be:

a) imprisonment for up to two years for a misdemeanor offense in the case of Subsection (1);

b) imprisonment for up to three years for a felony offense in the case of Paragraph a) of Subsection (2).

Section 282/A.

(1) Any person who, without authorization, offers or supplies narcotic drugs or is engaged in distributing, trafficking or dealing in narcotic drugs is guilty of a felony punishable by imprisonment for two to eight years.

(2) The punishment shall be imprisonment between five to ten years if the criminal act:

a) is committed as part of a criminal conspiracy or by using a person who is addicted to drugs;

b) is committed by a public official or a person performing public duties who is acting in such official capacity;

c) is committed in any facility of the Hungarian Armed Forces, law enforcement agencies or in penal or correctional facilities.

(3) The punishment shall be imprisonment between five to fifteen years or life imprisonment if the criminal act is committed in respect of a substantial quantity of narcotic drugs.

(4) Any person who:

a) is engaged in preparations for the commission of the crime defined in Subsections (1) and (2) is guilty of a misdemeanor punishable by imprisonment for up to three years;

b) is engaged in preparations for the commission of the crime defined in Subsection (3) is guilty of a felony punishable by imprisonment for up to five years.

(5) Any person who supplies financial means for the criminal acts defined in Subsections (1)-(4) shall be punishable as set forth therein.

(6) If the criminal act is committed in respect of a small quantity of narcotic drugs, the punishment shall be:

a) imprisonment for up to two years for a misdemeanor offense in the case of Subsection (1);

b) imprisonment for up to five years for a felony offense in the case of Subsection (2).

Section 282/B.

(1) Any person over the age of eighteen who, without authorization and by using a person under the age of eighteen, produces, manufactures, acquires, possesses, imports or exports narcotic drugs into or from Hungary or transports such through the territory of Hungary is guilty of a felony punishable by imprisonment between two to eight years.

(2) The punishment shall be imprisonment between five to ten years if:

a) a person over the age of eighteen offers or supplies narcotic drugs to persons under the age of eighteen or is engaged in the distribution, trafficking or dealing in narcotic drugs by using a person under the age of eighteen;

b) a person offers or supplies narcotic drugs or is engaged in the distribution, trafficking or dealing in narcotic drugs inside or in the proximity of a building serving the purpose of education, public learning, child welfare, child protection or cultural and educational activities;

c) if the criminal act defined in Subsection (1) is committed in a criminal conspiracy.

(3) The punishment shall be imprisonment between five to fifteen years or life imprisonment if the criminal act:

a) is committed in respect of a substantial quantity of narcotic drugs;

b) is committed in a criminal conspiracy defined in Paragraph a) or b) of Subsection (2) or if it is committed by a public official or a person performing public duties who is acting in such official capacity.

(4) Any person who is engaged in preparations for the commission of the crime defined in Subsections (1) and (2) is guilty of a felony punishable by imprisonment for up to three years.

(5) Any person over the age of eighteen who offers assistance or attempts to persuade a person under the age of eighteen to engage in the pathological indulgence of a substance or agent that has a narcotic effect but is not classified as a narcotic drug is guilty of a felony punishable by imprisonment for up to three years.

(6) Any person who supplies financial means for the criminal acts defined in Subsections (1)-(5) shall be punishable as set forth therein.

(7) If the criminal act is committed in respect of a small quantity of narcotic drugs, the punishment shall be:

- a) imprisonment for up to two years for a misdemeanor offense in the case of Subsection (1);
- b) imprisonment for up to five years for a felony offense in the case of Subsection (2) and Paragraph b) of Subsection (3).

Section 282/C.

(1) Any drug-addicted person who, without authorization, produces, manufactures, acquires, possesses, imports or exports narcotic drugs into or from Hungary or transports such through the territory of Hungary is guilty of a misdemeanor punishable by imprisonment for up to two years.

(2) Any drug-addicted person who, without authorization, offers or supplies narcotic drugs or is engaged in the distribution, trafficking or dealing in narcotic drugs is guilty of a felony punishable by imprisonment for up to three years.

(3) The punishment shall be imprisonment for up to three years in the case of Subsection (1) and imprisonment for up to five years in the case of Subsection (2) if the criminal act is committed in a pattern of business operation or as part of a criminal conspiracy.

(4) The punishment shall be imprisonment for up to five years in the case of Subsection (1) and imprisonment between two to eight years in the case of Subsection (2) if the criminal act is committed with respect to a substantial quantity of narcotic drugs.

(5) If the criminal act is committed by a drug-addicted person in respect of a small quantity of narcotic drugs, the punishment shall be:

- a) imprisonment for up to one year, community service work or a fine for a misdemeanor offense in the case of Subsection (1) or Subsection (2);
- b) imprisonment for up to two years, community service work or a fine for a misdemeanor offense in the case of Subsection (3).

Section 283.

(1) No punishment shall apply on the grounds of misuse of narcotic drugs:

a) if it involves a small quantity produced, manufactured, acquired or held for own consumption [Paragraph a) of Subsection (5) of Section 282];

b)-d)

e) if it involves a drug-addicted person who:

1) produces, manufactures, acquires, possesses, imports or exports a small quantity of narcotic drugs into or from Hungary or transports such through the territory of Hungary for own consumption [Subsection (1) and Paragraph a) of Subsection (5) of Section 282/C];

2)

f) if it involves a drug-addicted person who has committed another crime that carries a maximum punishment of imprisonment for up to two years in connection with the criminal act, defined under Paragraph e) 1);

provided the perpetrator in question is able to produce a document before he is sentenced in the first instance to verify that he has been treated for drug addiction for at least six consecutive months or that he has participated in a drug addiction program or a preventive-consulting service.

(2)

Illegal Possession of Drug Precursors

Section 283/A.

(1) Any person who is in possession of or is engaged in trading with drug precursors without the authorization prescribed in the relevant legislation of the European Union, or by exceeding the scope of such authorization, or who imports to or exports from the territory of the European Communities drug precursors, or is engaged in intermediary activities with drug precursors is guilty of a felony punishable by imprisonment for up to five years.

(2) Any person who has been providing assistance for the production of narcotic drugs shall be exonerated from punishment if he confesses the act to the authorities before they become aware of it; surrenders to the authorities the drug precursors in his possession, and cooperates with the authorities in finding other persons who are engaged in the production of narcotic drugs.

Criminal Misuse of Energizing Agents or Techniques

Section 283/B.

Violation of Epidemic Control Regulations

Section 284.

(1) Any person who infringes the rules of quarantine, epidemiological supervision or control ordered for preventing the importation or dissemination of an infectious disease subject to quarantine obligation, is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

(2) Any person who infringes at the time of an epidemic the rules ordered for isolation, epidemiological supervision or control, is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

(3) Any person who infringes the rules of quarantine, other restriction or supervision ordered for preventing the exportation and importation or dissemination of infectious animal diseases or pests which are harmful to vegetation, is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

Charlatantry

Section 285.

(1) Any person who engages in activities under the pretenses of a medical practice without proper authorization for compensation or on a regular basis, is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

(2) The punishment for a felony shall be imprisonment for up to three years, if the charlatantry is committed by feigning the entitlement to practice medicine.

(3) For the purposes of this Section 'authorized medical practitioner' shall mean the person who has a medical degree received at a domestic university or acquired at a foreign university and adopted (provided with a certificate of equivalence), or a foreign citizen who has been authorized by the minister in charge of the healthcare system, Social and Family Welfare to engage in medical activities without the adoption of his degree, provided in all cases that he has not been restrained by court order from practicing medicine.

Confiscation

Section 286.

In the case of criminal misuse of explosives or explosive devices (Section 263), criminal misuse of firearms or ammunition (Section 263/A), criminal misuse of military items and services, and dual-use items and technology (Section 263/B), criminal misuse of radioactive substances (Section 264), illegal operation of a nuclear facility (Section 264/A), criminal misuse of weapons prohibited by international convention (Section 264/C), criminal misuse of poison (Section 265), violation of legal liabilities relating to the keeping of dangerous dogs (Section 266), organization of illegal animal fights (Section 266/A), cruelty to animals (Section 266/B), misuse of harmful consumer goods (Section 279), or criminal misuse of narcotic drugs (Sections 282-283) or with substances used for the production of narcotic drugs (Section 283/A), the provisions set forth in Subsection (1) of Section 77/A shall not be applied.

Interpretative Provision

Section 286/A.

(1) For the purposes of Sections 280 and 281/A the earth, the air, the water, the biota (flora and fauna) and their constituents shall have the meaning defined in the Act on the General Rules of Environmental Protection.

(2) For the purposes of Sections 282 and 283 'narcotic drugs' shall mean:

a) the substances defined in Lists I and II of the Annex to the Comprehensive Treaty on Narcotic Drugs signed in New York on 30 March 1961, promulgated by Law-Decree No. 4 of 1965, and amended and supplemented by the Protocol of the Amendment and Supplement of the Comprehensive Treaty on Narcotic Drugs signed in Geneva on 25 March 1972 and promulgated by Law-Decree No. 17 of 1988; and,

b) the psychotropic substances defined as dangerous in Lists I and II of the Annex to the treaty on psychotropic substances, signed in Vienna on 21 February 1971 and promulgated by Law-Decree No. 25 of 1979;

c) the psychotropic substances defined in the Schedule to the Act on Medicinal Products for Human Use.

(3) For the purposes of Section 283/A:

a) 'legislation of the European Union' shall mean Regulation (EC) No. 273/2004 of the European Parliament and of the Council of 11 February 2004 on drug precursors, and Council Regulation (EC) No. 111/2005 of 22 December 2004 laying down rules for the monitoring of trade between the Community and third countries in drug precursors;

b) 'customs territory of the European Community' shall mean the territory defined in Article 3 of Council Regulation (EEC) No. 2913/92 of 12 October 1992 establishing the Community Customs Code;

c) 'drug precursor' shall mean:

1. the scheduled substances listed in Category 1, Annex 1 to Regulation (EC) No. 273/2004 of the European Parliament and of the Council and in Category 1 of the Annex to Council Regulation (EC) No. 111/2005 as regards possession, placing on the market and exportation into the customs territory of the European Community, and intermediary activities;

2. all substances listed in the Annex to Council Regulation (EC) No. 111/2005 as regards exportation from the customs territory of the European Communities;

d) 'placing on the market' shall have the meaning defined in Article 2c) of Regulation (EC) No. 273/2004 of the European Parliament and of the Council;

e) 'importation to the customs territory of the European Communities' shall have the meaning defined in Article 2c) of Council Regulation (EC) No. 111/2005;

f) 'exportation from the customs territory of the European Communities' shall have the meaning defined in Article 2d) of Council Regulation (EC) No. 111/2005;

g) 'intermediary activity' shall have the meaning defined in Article 2e) of Council Regulation (EC) No. 111/2005.

Chapter XVII

Economic Crimes

Title I

Crimes Violating Economic Obligations and the Order of Economy

Infringement of Obligations Relating to Military Items and Services and to the Trading of Dual-Use Items and Technology

Section 287.

Unlawful Acquisition of Economic Advantage

Section 288.

- (1) Any person who obtains financial assistance:
- a) allocated by virtue of law from the central budget, or the budget of local authorities, or from appropriated government funds;
 - b) provided by a foreign state or international organization for a specific purpose; or any other economic advantage by making a false statement to this extent, or by using a false, counterfeit or forged document or instrument is guilty of felony punishable by imprisonment for up to five years.
- (2) The person who uses financial support for purposes other than what it was provided for, and fails to repay such support, and the person who makes a false statement, or uses false, counterfeit or forged documents or instruments for the purposes of accounting and reporting obligation prescribed in connection with the financial support, shall be punishable according to Subsection (1).

Interpretative Provision

Section 288/A.

For the purposes of Section 288, 'financial assistance provided by a foreign state or international organization' shall also cover the funds managed by a Hungarian administrative agency or financial institution on behalf of the foreign state or international organization. Section 288 shall not apply to criminal acts involving assistance provided from funds managed by or on behalf of the European Communities and to payments made to funds managed by or on behalf of the European Communities.

Violation of Accounting Regulations

Section 289.

- (1) Any person who:
- a) violates annual reporting, bookkeeping and auditing obligations,
 - b) and infringes on the documentation system prescribed in the Accounting Act or in the legal regulations adopted under its authorization, and thereby obstructs the transparency or inspection of his financial situation is guilty of a misdemeanor punishable by imprisonment for up to two years, community service work, or a fine.

(2) Any private entrepreneur and any other operator to whom the Accounting Act does not apply, who violates his record keeping and documentation obligation prescribed by law, and thereby obstructs the transparency or inspection of his financial situation shall be punishable according to Subsection (1).

(3) Any person who, following the opening of liquidation proceedings, fails to comply with his obligation of reporting, inventory or other obligation to provide information prescribed in the Act on Bankruptcy Proceedings and Liquidation Proceedings, and thereby causing any obstruction in the outcome of the liquidation proceedings, is guilty of a misdemeanor punishable by imprisonment of up to two years, community service work, or a fine.

(4) The punishment shall be imprisonment for up to three years for a felony, if the act defined in Subsection (1):

a) results in an error corrupting the true and fair view in relation to the given financial year and distorts the amount of profit, equity capital or the balance sheet total; or

b) obstructs the transparency or inspection of the financial situation in the given financial year.

(5) The punishment for felony shall be imprisonment for up to three years in the case of Subsection (1), or five years in the case of Subsection (4) if committed in a financial institution, investment firm, commodities broker, investment fund manager, venture capital fund manager, exchange market, clearing house, central depository, a body acting as a central counterparty, insurance company, reinsurance company, voluntary mutual insurance fund, private pension fund or an institution for occupational retirement provision.

(6) The punishment shall be imprisonment for a misdemeanor for up to one year, community service work, or a fine, if the act referred to in Paragraph *b)* of Subsection (4) is committed through negligence.

Criminal Bankruptcy

Section 290.

(1) Any person who, in connection with the imminent insolvency of an economic operator specified in the Act on Bankruptcy Proceedings and Liquidation Proceedings, actually or fictitiously, diminishes his assets:

a) by concealing, disguising, damaging, destroying any assets or by making unusable any property that may be used to cover his debt;

b) by concluding a fictitious transaction, or recognizing a doubtful claim;

c) commencing or continuing a losing venture in contradiction to the requirements of prudent management; or

d) by other means, in contradiction to the requirements of prudent management;

and thereby prevents the satisfaction of his creditors to any extent is guilty of a felony punishable by imprisonment of up to five years.

(2) The punishment in accordance with Subsection (1) above shall also be imposed upon any person who prevents the satisfaction of the creditors in whole or in part by engaging in any conduct referred to in Subsection (1) to artificially induce the insolvency of an economic operator specified in the Act on Bankruptcy Proceedings and Liquidation Proceedings, or to cause the perception of insolvency.

(3) The punishment in accordance with Subsection (1) above shall also be imposed upon any person who obstructs the satisfaction of the creditors in whole or in part by engaging in any conduct referred to in Subsection (1) in the event of the imminent insolvency of an economic operator specified in the Act on Bankruptcy Proceedings and Liquidation Proceedings.

(4) The punishment shall be imprisonment between two to eight years if the act defined in Subsections (1)-(3) above resulted in grave consequences in the overall economy.

(5) Any person who, following the opening of liquidation proceedings, provides preferential treatment to any creditor in violation of the sequence of satisfaction specified in Act on Bankruptcy Proceedings and Liquidation Proceedings is guilty of a misdemeanor punishable by imprisonment of up to two years.

(6) The conduct defined in Subsections (1)-(4) above shall be punishable if the bankruptcy proceedings or liquidation proceedings have been opened, or if the liquidation proceedings had not been opened by derogation from the relevant statutory provisions.

Interpretative Provision

Section 291.

(1) The conduct defined in Subsections (1)-(5) of Section 290 shall be considered a criminal act if committed by a person who has powers to control the assets, or any part thereof, of the economic operator (debtor).

(2) Subsection (1) shall also apply if the contract serving as basis for the control of assets is considered invalid.

Section 291/A.

Marketing of Substandard Products

Section 292.

(1) A person who sells, transfers for use or places on the market poor quality products as if they were good quality, or takes measures for the performance of such actions is guilty of a felony punishable by imprisonment for up to three years.

(2) Any person who commits the crime out of negligence shall be punishable for a misdemeanor with imprisonment of up to one year, community service work, or a fine.

(3) Any person who engages in preparations for the sale, transfer for use or placement on the market of poor quality products as defined in Subsection (1) is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

Section 293.

Any person who violates the rules governing the quality control and qualification of a product, and thereby makes it possible for such product to be sold, transferred for use or placed on the market as being of a quality better than what they actually are, is guilty of a felony punishable by imprisonment for up to three years.

Section 294.

(1) A product that is subject to mandatory national standards is considered to be of poor quality if it fails to meet the lowest quality requirements defined in the standard.

(2) Apart from what is contained in Subsection (1), a product shall be considered to be of poor quality if it cannot be used for its designated purpose, or its use has been diminished considerably.

False Attestation of Quality

Section 295.

(1) Any person who certifies false data regarding the quality of goods of substantial quantity or value in a document attesting quality, is guilty of a felony punishable by imprisonment for up to three years.

(2) The person who commits the act by negligence shall be punishable for a misdemeanor by imprisonment for up to one year, community service work, or a fine.

False Marking of Goods

Section 296.

Any person who produces a product with distinctive appearance, packaging, labeling or name, from which a competitor or his product having distinctive features can be recognized, and who does so without the consent of such competitor, or who acquires such product for the purpose of placing it on the market, is guilty of a felony punishable by imprisonment for up to three years.

Deception of Consumers

Section 296/A.

(1) Any person who, in respect of any essential feature of a product, publicly states false facts, or true facts in a deceptive way, or provides deceptive information on any essential feature of the product for the purpose of rendering it more desirable, is guilty of a misdemeanor punishable by imprisonment for up to two years, community service work, or a fine.

(2) For the purposes of Subsection (1), 'essential features of goods' shall mean their composition, usage, impact on health and the environment, as well as their handling, origin, whether they are in conformity with statutory provisions, national standards or the customary requirements for similar goods, furthermore, if the use of the goods requires the satisfaction of conditions substantially different from the customary ones.

(3) For the purposes of Subsection (1), the opportunity for winning, or any other favorable outcome promised for the purchase of the goods, shall also constitute an essential feature of the goods.

Agreement in Restraint of Competition in Public Procurement and Concession Procedures

Section 296/B.

(1) Any person who enters into an agreement aiming to manipulate the outcome of an open or restricted tender published in connection with a public procurement procedure or an activity that is subject to a concession contract by fixing the prices (charges) or any other term of the contract, or for the division of the market, or takes part in any other concerted practices resulting in the restraint of trade is guilty of felony punishable by imprisonment for up to five years.

(2) Any person who partakes in the decision-making process of an association of companies, a public body, a society or similar organization, and adopting any decision that has the capacity for restraining competition aiming to manipulate the outcome of an open or restricted tender published in connection with a public procurement procedure or an activity that is subject to a concession contract shall also be punishable as set forth in Subsection (1).

(3) The punishment shall be imprisonment for a misdemeanor for up to two years, community service work, or a fine, if the act specified in Subsections (1) and (2) if the value of the public contract involved is below substantial value.

(4) The perpetrator of a criminal act defined in Subsections (1)-(3) shall be exonerated from punishment if he confesses the act to the authorities first hand and reveals the circumstances of the criminal act. Authorities shall also mean the bodies supervising competition and financial operations and the body which reviews procedures in connection with public procurement contracts.

Concealment of Assets for Avoiding a Liability

Section 297.

(1) Any person who conceals his assets serving as collateral for a debt arising from business operations, and thereby prevents settlement of debt in full or in part is guilty of a felony punishable by imprisonment for up to five years.

(2) The perpetrator shall not be punishable if the debt is settled before the indictment is filed.

Credit Fraud

Section 297/A.

Any person who uses a document with false contents in the interest for the favorable judgment of the extension or termination of a business loan or for the changing of the terms and conditions of the loan is guilty of a felony punishable by imprisonment for up to three years.

Unauthorized Foreign Trade Activities

Section 298.

Any person who engages in foreign trade activities that is subject to authorization without such authorization, or exports or imports goods without an export/import license is guilty of a felony punishable by imprisonment for up to three years.

Illegal Conduct by Executive Employees of Economic Operators

Section 298/A.

Any executive employee of an economic operator who deceives any member of the economic operator:

a) by disclosing or spreading false information concerning the financial position of the economic operator or the executive officer of such economic operator in connection with his office, or concerning financial instruments in relation to the economic operator, or by concealing information;

b) by concluding any fictitious transaction relating to financial instruments is guilty of a misdemeanor punishable by imprisonment of up to two years, community service work, or a fine.

Impairment of Equity Capital

Section 298/B.

Any executive employee of an economic operator with legal personality who illegally conceals any part of the company's equity capital is guilty of a felony punishable by imprisonment of up to three years.

Indication of Bogus Value

Section 298/C.

Unauthorized Financial Activities

Section 298/D.

Any person who performs:

- a)* financial services or engages in activities auxiliary to financial services;
 - b)* investment services or engages in activities auxiliary to investment services, commodity exchange services, investment fund management services, venture capital management services, exchange services, clearing and settlement services, central depository services or the activities of a central counterparty;
 - c)* insurance activities, reinsurance activities or the activities of independent insurance intermediaries;
 - d)* activities of voluntary mutual insurance funds, private pension funds or institutions for occupational retirement provision;
- without the authorization prescribed by law is guilty of a felony punishable by imprisonment for up to three years.

Unauthorized Investment Service Activities

Section 298/E.

Unauthorized Insurance Activity

Section 298/F.

Failure to Comply with the Obligation to Supply Economic Data

Section 299.

(1) Any executive employee of an economic operator who partakes in the act of:

- a)* disguising the economic operator so that it cannot be located at its registered office (permanent establishment, branch); or
- b)* registration of a person in the public records as the authorized representative of the economic operator, whose home address (customary residence) is unknown, or treated as unknown, is guilty of a felony punishable by imprisonment of up to three years.

(2) Any person who fails to disclose data, rights or facts related to business operations to be registered in the proper public records, or fails to report the changes in such data, rights or facts, if the obligation of reporting is prescribed by law, is guilty of a misdemeanor punishable by imprisonment of up to two years, community service work, or a fine.

Insider Trading

Section 299/A.

(1) Any person who uses insider information to conclude a transaction involving financial instruments is guilty of a felony punishable by imprisonment for up to three years.

(2) The punishment in accordance with Subsection (1) shall also be imposed:

a) upon any person who entrusts another person to conclude a transaction on the basis of insider information in his possession for the financial instruments to which the information pertains;

b) upon any person who discloses insider information to any unauthorized person for financial gain or advantage.

Capital Investment Fraud

Section 299/B.

Any person who induces other persons to make a new capital investment or to increase an existing one, or to sell or reduce a capital investment:

a) by disclosing or spreading false information concerning the financial position of an economic operator or the executive officer of such economic operator in connection with his office, or concerning financial instruments in relation to the economic operator, or by concealing information;

b) by concluding any fictitious transaction relating to financial instruments;
is guilty of a felony punishable by imprisonment for up to three years.

Organization of a Pyramid Game

Section 299/C.

Any person who organizes a game based on the collection and distribution of the money of others in a predetermined form and way, which also contains an element of risk, in which the participants joining in a chain-like manner pay cash to, or perform another service for, the participants preceding them in the chain, directly or through the organizer, is guilty of a felony punishable by imprisonment for up to three years.

Breach of Trade Secret

Section 300.

(1) Any person who has been committed to confidentiality with respect to bank, securities, fund, insurance or occupational retirement secrets, and who makes available any bank, securities, fund, insurance or occupational retirement secret to an unauthorized person for financial gain or advantage, causing pecuniary injury to others, also the person who illegally acquires, uses, or publishes a business secret for financial gain or advantage, causing pecuniary injury to others is guilty of a felony punishable by imprisonment for up to three years.

(2) No punishment shall apply on the grounds of breach of trade secret against any person:

a) who conveys information in fulfilling the duties prescribed in a separate Act governing the publication of public information and information to be made available in the public interest; or

b) who conveys information subject to the reporting obligation prescribed in the Act on the Prevention and Combating of Money Laundering and Terrorist Financing or who initiates such action, even if the report he filed in good faith has proved to be unfounded;

c) who conveys information subject to the reporting obligation prescribed by law in connection with insider trading, market manipulation and the fight against terrorism, or who initiates such action, even if the report he filed in good faith has proved to be unfounded.

Breach of Bank Secret

Sections 300/A-B.

Criminal Conduct for Breaching Computer Systems and Computer Data

Section 300/C.

(1) Any person who gains unauthorized entry to a computer system or network by compromising or defrauding the integrity of the computer protection system or device, or overrides or infringes his user privileges, is guilty of misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

(2) Any person who:

a) without permission alters, damages or deletes data stored, processed or transmitted in a computer system or network or denies access to the legitimate users;

b) without permission adds, transmits, alters, damages, deletes any data, or uses any other means to disrupt use of the computer system or network is guilty of misdemeanor punishable by imprisonment for up to two years, community service work, or a fine.

(3) Any person who, for financial gain or advantage:

a) alters, damages or deletes data stored, processed or transmitted in a computer system or network or denies access to the legitimate users;

b) adds, transmits, alters, damages, deletes data or uses any other means to disrupt use of the computer system or network;

is guilty of felony punishable by imprisonment for up to three years.

(4) The punishment for the criminal act defined in Subsection (3) shall be:

a) imprisonment between one to five years if it causes considerable damage;

b) imprisonment between two to eight years if it causes substantial damage;

c) imprisonment between five to ten years if it causes particularly substantial damage.

Breach of Securities Secrets

Section 300/D.

Compromising or Defrauding the Integrity of the Computer Protection System or Device

Section 300/E.

(1) Any person who, for the commission of the criminal activities defined in Section 300/C:

a) creates,

b) obtains,

c) distributes or trades, or otherwise makes available,

computer software, passwords, entry codes, or other data with which to gain access to a computer system or network is guilty of a misdemeanor punishable by imprisonment for up to two years, community service work, or a fine.

(2) Any person who, for the commission of the criminal activities defined in Section 300/C, conveys his economic, technical and/or organizational expertise to another person for the creation of computer software, passwords, entry codes, or other data with which to gain access to a computer system or network shall be punishable according to Subsection (1).

(3) In the case of Paragraph a) of Subsection (1), any person who confesses to the authorities his involvement in the creation of any computer software, password, entry code, or other data with which to gain access to a computer system or entire computer network before the authorities learned of such activities through their own efforts, and if

the person surrenders such produced things to the authorities and assists in the efforts to identify the other persons involved, shall be exonerated from punishment.

Interpretative Provisions

Section 300/F.

(1) For the purposes of Sections 298/A, 299/A and 299/B 'financial instruments' shall, *inter alia*, mean:

a) financial instruments, other exchange-traded instruments and any other instrument admitted to trading on a regulated market of any Member State of the European Union or for which a request for admission to trading on such a market has been made;

b) financial instruments which are not traded on a regulated market, however, its value depends on the value or price of any of the financial instruments referred to in Paragraph a);

c) securities offered to the public, in so far as the obligation of the disclosure of information, both regular and extraordinary, terminates.

(2) For the purposes of Sections 298/A, 298/B, 299 and 299/B 'executive employee' shall mean:

a) the executive officers and supervisory board members of an economic operator;

b) the person appointed to lead the Hungarian branch of a foreign-registered company, or the Hungarian branch of a European Economic Interest Grouping that is established in another country;

c) any person so designated in the company's memorandum of association, deed of foundation or articles of association.

(3) For the purposes of Sections 300/C and 300/E, 'computer system' shall mean a device intended for the automatic processing, handling, storage and transmission of data or a collection of such devices that are interfaced.

Profiteering

Section 301.

(1) Any person who demands, charges or accepts a price higher than the official price or the price otherwise fixed obligatorily for him for specific goods is guilty of a misdemeanor punishable by imprisonment for up to two years, community service work, or a fine.

(2) The punishment for a felony shall be imprisonment for up to five years if the profiteering is committed:

a) in a pattern of business operation;

b) as part of a criminal conspiracy;

c)

d) for achieving a considerable measure of profit.

(3)

(4) The person who commits the crime of profiteering by negligence shall be punishable for a misdemeanor with a fine.

Section 302.

Within the meaning of Subsection (1) of Section 301 profiteering shall also include if a price corresponding to the official price of goods of better quality than the actual quality is demanded, charged or accepted for the goods.

Money Laundering

Section 303.

(1) Any person who, in order to conceal the true origin of a thing obtained from criminal activities committed by others, that is punishable by imprisonment:

- a) converts or transfers the thing in question, or uses in his business activities;
 - b) conceals or suppresses any right attached to the thing or any changes in this right, or conceals or suppresses the place where thing can be found;
 - c) performs any financial transaction or receives any financial service in connection with the thing
- is guilty of felony punishable by imprisonment of up to five years.

(2) The punishment in accordance with Subsection (1) shall also be imposed upon any person who, in connection with a thing obtained from criminal activities, that is punishable by imprisonment, committed by others:

- a) obtains the thing for himself or for a third person;
 - b) safeguards, handles, uses or consumes the thing, or obtains other financial assets by way of or in exchange of the thing, or by using the consideration received for the thing
- if being aware of the true origin of the thing at the time of commission.

(3) The punishment in accordance with Subsection (1) shall also be imposed upon any person who, in order to conceal the true origin of a thing that was obtained from criminal activities that is punishable by imprisonment:

- a) uses the thing in his business activities;
- b) performs any financial transaction or receives any financial service in connection with the thing.

(4) The punishment shall be imprisonment between two to eight years if the money laundering specified under Subsections (1)-(3):

- a) is committed in a pattern of business operation;
- b) involves a substantial or greater amount of money;
- c) is committed by an officer or employee of a financial institution, investment firm, commodities broker, investment fund manager, venture capital fund manager, exchange market, clearing house, central depository, body acting as a central counterparty, insurance company, reinsurance company, voluntary mutual insurance fund, private pension fund or an institution for occupational retirement provision, or an organization engaged in the operation of gambling activities;
- d) is committed by a public official in an official capacity;
- e) is committed by an attorney-at-law.

(5) Any person who collaborates in the commission of money laundering as specified under Subsections (1)-(4) is guilty of misdemeanor punishable by imprisonment of up to two years.

(6) The person who voluntarily reports to the authorities or initiates such a report shall not be liable for prosecution for money laundering as specified under Subsections (1)-(5), provided that the act has not yet been revealed, or it has been revealed only partially.

Section 303/A.

(1) Any person who, in connection with a thing obtained from criminal activities, that is punishable by imprisonment, committed by others:

- a) uses the thing in his business activities;
 - b) performs any financial transaction or receives any financial service in connection with the thing,
- and is negligently unaware of the true origin of the thing is guilty of misdemeanor punishable by imprisonment of up to two years, community service work, or a fine.

(2) The punishment shall be imprisonment for misdemeanor for up to three years if the act defined in Subsection (1):

- a) involves a substantial or greater amount of money;
- b) is committed by an officer or employee of a financial institution, investment firm, commodities broker, investment fund manager, venture capital fund manager, exchange market, clearing house, central depository, body acting as a central counterparty, insurance company, reinsurance company, voluntary mutual insurance fund, private pension fund or an institution for occupational retirement provision, or an organization engaged in the operation of gambling activities;

c) is committed by a public official in an official capacity.

(3) The person who voluntarily reports to the authorities or initiates such a report shall not be liable for prosecution for money laundering as specified under Subsections (1) and (2), provided that the act has not yet been revealed, or it has been revealed only partially.

Failure to Comply with the Reporting Obligation Related to Money Laundering

Section 303/B.

Any person who fails to comply with the reporting obligation prescribed by the Act on the Prevention and Combating of Money Laundering and Terrorist Financing is guilty of misdemeanor punishable by imprisonment of up to two years.

Interpretative Provision

Section 303/C.

(1) In the application of Sections 303 and 303/A, the term 'thing' shall also cover instruments embodying rights to some financial means and dematerialized securities, that allows access to the value stored in such instrument in itself to the bearer, or to the holder of the securities account in respect of dematerialized securities.

(2) In the application of Sections 303 and 303/A, financial activities and financial services shall mean financial services and activities auxiliary to financial services, investment services and activities auxiliary to investment services, commodity exchange services, investment fund management services, venture capital management services, exchange services, clearing and settlement services, central depository services, the activities of bodies acting as central counterparties, insurance services, reinsurance services, and the activities of independent insurance intermediaries, voluntary mutual insurance funds, private pension funds and institutions for occupational retirement provision.

Title II

Counterfeiting of Money and Stamp

Counterfeiting of Money

Section 304.

- (1) Any person who:
- a) imitates or forges money with the purpose of distribution;
 - b) obtains counterfeit or forged money with the purpose of distribution, exports or imports such money or transports it through the territory of the country;
 - c) distributes counterfeit or forged money;
- is guilty of a felony punishable by imprisonment for between two to eight years.
- (2) The punishment shall be imprisonment between five to ten years if the counterfeiting:
- a) involves a substantial or greater amount of money;
 - b) is committed as part of a criminal conspiracy.
- (3) The punishment shall be imprisonment for up to five years if the object of counterfeiting is coinage, or if the quantity or value involved is trivial or even less substantial.
- (4) Any person who engages in preparations for counterfeiting money is guilty of a misdemeanor punishable by imprisonment for up to two years, community service work, or a fine.

Aiding in Counterfeiting Operations

Section 304/A.

Any person who creates, obtains, keeps possession of, distributes or deals with any material, instrument, equipment or computer software intended to be used for counterfeiting money is guilty of a misdemeanor punishable by imprisonment for up to two years, community service work, or a fine.

Section 305.

For the purposes of Section 304:

- a) any alteration of money that has been withdrawn from circulation to create an impression as if it was still in circulation shall be considered imitation of money;
- b) the application or removal of a sign serving as an indication that the money is valid only in a specific country, furthermore, the diminution of the precious metal content of the money, shall also be considered as counterfeiting.

Disbursement of Counterfeit Money

Section 306.

(1) Any person who engages in the distribution of counterfeit or forged money that has been acquired lawfully as genuine or authentic is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

(2) The punishment shall be imprisonment for a felony for up to three years if the crime involves a substantial or greater amount of money.

Counterfeiting of Stamps

Section 307.

(1) Any person who - with the aim of distribution or utilization:

a) imitates or forges a stamp;

b) obtains a counterfeit or forged stamp;

is guilty of felony and shall be punishable by imprisonment for up to three years.

(2) Any person who distributes or uses counterfeit, forged or used stamps as genuine or unused shall also be punishable in accordance with Subsection (1).

(3) The punishment shall be imprisonment for up to five years if the counterfeiting of stamps:

a) involves a substantial or greater amount of money;

b) is committed as part of a criminal conspiracy.

(4) The punishment shall be imprisonment for a misdemeanor for up to one year, community service work, or a fine, if the quantity or value involved in the counterfeiting of stamps is trivial or even less substantial.

Section 308.

(1) For the purposes of Section 307, distribution shall also mean distribution for the collection of stamps, and counterfeiting shall also mean the unlawful alteration of a stamp serving the purposes of collection.

(2) Foreign stamps are granted protection identical with that of domestic ones.

Title III

Financial Crimes

Violation of Foreign Exchange Regulations

Section 309.

Tax Fraud

Section 310.

(1) A person who untruthfully states or conceals any fact (data) relevant for the establishment of tax obligation before the authorities, and thereby or by other fraudulent conduct diminishes tax revenues is guilty of a misdemeanor punishable by imprisonment for up to two years, community service work, or a fine.

(2) The punishment shall be imprisonment for up to three years for a felony if the amount of tax revenue is reduced by a considerable degree as a consequence of the crime.

(3) The punishment shall be imprisonment between one to five years if the amount of tax revenues is reduced by a substantial degree as a consequence of the crime.

(4) The punishment shall be imprisonment between two to eight years if the amount of tax revenues is reduced by a particularly considerable or higher degree as a consequence of the crime.

(5) A person shall be punishable in accordance with Subsections (1)-(4) who misleads the authority with the purpose of the non-payment of an established tax, if he thereby considerably delays or impedes the collection of the tax.

(6) The perpetrator of the crime described in Subsection (1) above shall not be liable for prosecution if he settles his tax debt prior to indictment.

Employment Related Tax Fraud

Section 310/A.

(1) Any employer who evades payment of any mandatory contribution payable by the payer of personal wages to any sub-system of the central budget on behalf of an employee who is employed:

a) without an employment contract;

b) by a fictitious contract;

if the combined amount of taxes thus evaded results in losses in tax revenues, is guilty of a misdemeanor punishable by imprisonment of up to two years.

(2) The punishment shall be imprisonment of up to three years for a felony, if the aforesaid crime results in considerable losses in tax revenues.

(3) The punishment shall be imprisonment between one to five years for a felony, if the aforesaid crime results in substantial losses in tax revenues.

(4) The punishment shall be imprisonment between two to eight years for a felony, if the aforesaid crime results in particularly considerable or higher losses in tax revenues.

(5) A person shall be punishable in accordance with Subsections (1)-(4) who misleads the authority with the purpose of the non-payment of an established tax, if he thereby considerably delays or impedes the collection of the tax.

(6) The perpetrator of the crime described in Subsection (1) above shall not be liable for prosecution if he settles his tax debt prior to indictment.

(7) In the application of this Section, the amount of losses of tax revenues shall be determined by the amount of taxes evaded added up and counted on the aggregate.

Violation of the Obligation of Payment of Social Security, Health Insurance, or Pension Contribution

Section 310/B.

Excise Violation

Section 311.

(1) Any person who manufactures, obtains, stores, sells or trades any excise goods in the absence of the criteria specified in the Act on Excise Taxes and Special Regulations on the Marketing of Excise Goods or in other legislation enacted by authorization of this Act, or without an official permit, and thereby causes less significant losses in excise tax revenues, is guilty of a misdemeanor punishable by imprisonment for up to two years, community service work, or a fine.

(2) Punishment shall be imprisonment for up to three years if:

- a) the criminal conduct results in considerable losses in tax revenues; and/or
- b) the unlawful conduct specified in Subsection (1) is committed in a pattern of business operation.

(3) Punishment shall be imprisonment of one to five years if:

- a) the criminal conduct results in substantial losses in tax revenues; and/or
- b) the unlawful conduct specified in Paragraph a) of Subsection (2) is committed in a pattern of business operation.

(4) The punishment shall be imprisonment between two to eight years, if:

- a) the criminal conduct results in particularly considerable losses in tax revenues; and/or
- b) the unlawful conduct specified in Paragraph a) of Subsection (3) is committed in a pattern of business operation.

(5) The punishment shall be imprisonment from five to ten years, if:

- a) the criminal conduct results in particularly substantial losses in tax revenues; and/or
- b) the unlawful conduct specified in Paragraph a) of Subsection (4) is committed in a pattern of business operation.

(6) The perpetrator of the crime described in Subsection (1) above shall not be liable for prosecution if he settles his excise tax debt prior to indictment.

Illegal Trafficking of Excise Goods

Section 311/A.

(1) Any person who receives, stores, uses, places on the market or trades any excise goods under tax evasion is guilty of a misdemeanor punishable by imprisonment for up to two years, community service work, or a fine.

(2) Punishment shall be imprisonment for up to three years if:

- a) the excise goods involved in the criminal conduct are of substantial value;
- b) the unlawful conduct specified in Subsection (1) is committed in a pattern of business operation.

(3) Punishment shall be imprisonment between one to five years if:

- a) the excise goods involved in the criminal conduct are of particularly considerable value;
- b) the unlawful conduct specified in Subsection (2) is committed in a pattern of business operation.

(4) The punishment shall be imprisonment between two to eight years, if:

- a) the excise goods involved in the criminal conduct are of particularly substantial value;
- b) the unlawful conduct specified in Paragraph a) of Subsection (3) is committed in a pattern of business operation.

(5)

(6) For the purposes of this Section the value of excise goods shall be determined based on the value of excise goods manufactured legitimately.

Conspiracy to Commit Excise Violation

Section 311/B.

(1) Any person who manufactures, obtains, stores or sells any equipment, device, instrument and/or material designed to produce or manufacture excise goods as specified in the Act on Excise Taxes and Special Regulations on the Marketing of Excise Goods or in other legislation enacted by authorization of this Act, without authorization or through any violation of law, and/or who manufactures, obtains or stores any excise seal or tax seal for the marketing of excise goods is guilty of a misdemeanor punishable by imprisonment for up to two years, community service work, or a fine.

(2) Punishment shall be imprisonment of up to three years if:

- a) the act is committed in a pattern of business operation;
- b) the quantity of the material and/or excise seal involved in the criminal conduct is substantial; or
- c) the value of the tax seal involved in the criminal conduct is of substantial or greater value.

Illegal Importation

Section 312.

(1) Any person who withholds non-Community goods from customs inspection, or makes an untrue declaration before the authorities in respect of the circumstances relevant for the assessment of customs debts, non-Community taxes and dues, or customs security, and thereby diminishes customs revenues, is guilty of a misdemeanor punishable by imprisonment of up to two years, community service work, or a fine.

(2) The punishment for a felony shall be imprisonment of up to three years if:

a) the aforesaid crime results in considerable losses in customs revenues;

b) the smuggling defined under Subsection (1) is committed in a pattern of business operation or as part of a criminal conspiracy.

(3) The punishment shall be imprisonment between one to five years if:

a) the aforesaid crime results in substantial losses in customs revenues;

b) the smuggling defined under Paragraph a) of Subsection (2) is committed in a pattern of business operation or as part of a criminal conspiracy.

(4) The punishment shall be imprisonment between two to eight years if:

a) the aforesaid crime results in particularly considerable or higher losses in customs revenues;

b) the smuggling defined under Paragraph a) of Subsection (3) is committed in a pattern of business operation or as part of a criminal conspiracy.

(5) The perpetrator of the crime described in Subsection (1) above shall not be liable for prosecution if he settles his customs debt in the amount of the loss in customs revenues prior to indictment.

(6) For the purposes of Subsections (1)-(4):

a) 'security' shall mean the security provided for customs debts and non-Community taxes and dues in the form prescribed in customs laws;

b) 'losses in customs revenues' shall mean any reduction in revenues resulting from nonpayment of customs debts and non-Community taxes and dues.

Use of Bank Card Without Sufficient Cover

Section 312/A.

Cheque Fraud

Section 313.

Forgery of Bills of Exchange

Section 313/A.

Forgery of Cash-Substitute Payment Instruments

Section 313/B.

(1) Any person who, with the purpose of utilization, falsifies a cash-substitute payment instrument or manufactures a counterfeit cash-substitute payment instrument is guilty of a misdemeanor punishable by imprisonment for up to two years, community service, or a fine.

(2) Any person who is engaged in the forgery of a cash-substitute payment instrument in respect of a card issued by a business entity for use in paying for its goods and services shall be liable to punishment in accordance with Subsection (1).

(3) Any person who engages in preparations for the forgery of cash-substitute payment instruments is guilty of a misdemeanor and shall be punished with a fine.

Cash-Substitute Payment Instrument Fraud

Section 313/C.

(1) Any person who:

- a) uses a counterfeit or forged cash-substitute payment instrument for unlawful gain;
- b) uses a cash-substitute payment instrument without proper authorization;
- c) accepts payment with a counterfeit or forged cash-substitute payment instrument or one that is used without proper authorization;

and thereby causes damage is guilty of cash-substitute payment instrument fraud.

(2) The punishment for a misdemeanor shall be imprisonment for up to two years, community service, or a fine if the damage caused by the cash-substitute payment instrument fraud is insignificant or if the amount of damage caused by the cash-substitute payment instrument fraud is below the criminal value limit and it is committed:

- a) as part of a criminal conspiracy;
- b) in a pattern of business operation.

(3) Punishment shall be imprisonment for up to three years if:

- a) the cash-substitute payment instrument fraud results in considerable damage;
- b) the cash-substitute payment instrument fraud causes minor damage and was committed in the manner defined in Paragraphs a)-b) of Subsection (2).

(4) Punishment shall be imprisonment for one to five years if:

- a) the cash-substitute payment instrument fraud results in substantial damage;
- b) the cash-substitute payment instrument fraud causes considerable damage and is committed in the manner defined in Paragraphs a)-b) of Subsection (2).

(5) The punishment shall be imprisonment between two to eight years if:

- a) the cash-substitute payment instrument fraud results in particularly considerable damage;

b) the cash-substitute payment instrument fraud causes substantial damage and is committed in the manner defined in Paragraphs a)-b) of Subsection (2).

(6) The punishment shall be imprisonment between five to ten years if:

a) the cash-substitute payment instrument fraud results in particularly substantial damage;

b) the cash-substitute payment instrument fraud causes particularly considerable damage and is committed in the manner defined in Paragraphs a)-b) of Subsection (2).

(7) Any person who:

a) unlawfully obtains a cash-substitute payment instrument that is not his own or that is not exclusively his own from another person, without the consent of such person;

b) supplies, obtains, exports or imports, or transports through the territory of the country a forged or falsified cash-substitute payment instrument or a cash-substitute payment instrument that has been obtained in the manner specified in Paragraph a);

is guilty of a misdemeanor punishable by imprisonment for up to one year, community service, or a fine.

(8) Any person who is engaged in a cash-substitute payment instrument fraud in respect of a card issued by a business entity for use in paying for its goods and services shall be punished in accordance with Subsections (2)-(7).

(9) The perpetrator of cash-substitute payment instrument fraud shall be prosecuted only upon a private motion, if the injured party is his relative.

Aiding in the Forgery of Cash-Substitute Payment Instrument

Section 313/D.

Any person who produces, obtains, possesses, supplies or deals with materials, devices, equipment or computer programs to be used to forge cash-substitute payment instruments is guilty of a misdemeanor punishable by imprisonment for up to one year, community service, or a fine.

Interpretative Provision

Section 313/E.

For the purposes of Sections 313/B-313/D, 'cash-substitute payment instrument' shall mean the cash-substitute payment instruments defined in specific other legislation, traveler's cheques and bills of exchange, provided they contain protective fixtures against duplication, forgery and unauthorized use. Cash-substitute payment instruments issued in other countries shall receive the same protection as those issued in the domestic territory.

Title IV

Miscellaneous Provisions

Violation of the Financial Interest of the European Communities

Section 314.

(1) Any person who violates the financial interest of the European Communities in connection with:

a) assistance provided from funds managed by or on behalf of, the European Communities;

b) payments made to funds managed by or on behalf of, the European Communities;

by making a false statement to this extent, or by using a false, counterfeit or forged document or instrument, or who fails to comply with the prescribed obligation to provide information or the information provided is insufficient or misleading, is guilty of a felony punishable by imprisonment for up to five years.

(2) The punishment defined in Subsection (1) shall also apply if the perpetrator uses:

a) the assistance referred to in Paragraph a) of Subsection (1); or

b) the payment allowance referred to in Paragraph b) of Subsection (1);

for purposes other than authorized.

(3) The director of a business association, or a member or employee with authority to exercise control or supervision shall be punished according to Subsection (1), if the member or employee of the business association commits the criminal act defined in Subsections (1)-(2) for the benefit of the business association, and the criminal act could have been prevented had he properly fulfilled his control or supervisory obligations.

(4) The director of a business association, or a member or employee with authority to exercise control or supervision shall be punished for misdemeanor by imprisonment for up to two years, community service work, or a fine, if the criminal act defined in Subsection (3) is committed by negligence.

Interpretative Provision

Section 315.

(1) For the purposes of this Chapter, 'goods' shall also mean industrial services or other services of economic nature, and 'price' shall also mean any compensation of pecuniary value due for the goods (services).

(2) For the purposes of this Chapter, 'economic activities' shall mean gainful activities in the fields of manufacture, trade or service performed at one's own risk for profit on a regular basis.

Chapter XVIII

Crimes Against Property

Theft

Section 316.

(1) 'Theft' shall mean when a person takes away a thing to which he is not entitled from somebody else in order to unlawfully appropriate it.

(2) The punishment for a misdemeanor shall be imprisonment for up to two years, community service work, or a fine, if the theft is committed in respect of a minor value, or the theft involves a petty offense value and it is committed:

- a) as part of a criminal conspiracy;
- b) at the scene of a public emergency;
- c) in a pattern of business operation;
- d) by using actual force against a thing;
- e)
- f) upon entering a property, or the confines attached to such, by deception or without the knowledge and consent of the entitled party (user);
- g) by the use of a false or stolen key;
- h) to the detriment of a party who is sharing a home or similar premises with the perpetrator;
- i) by pickpocketing;
- j) by exploiting the condition of another person who is incapable of preventing the crime.

(3)

(4) The punishment shall be imprisonment for up to three years if:

- a) the theft is committed in respect of a considerable value;
- b) the theft involves a minor value and:
 - 1) it is committed in the manner defined in Paragraphs a)-d) of Subsection (2);
 - 2) it involves objects qualified as part of a cultural heritage;
 - 3) it involves religious objects or consecrated objects used for religious rights, taken from a place considered consecrated grounds;
 - 4) it involves objects placed in memory of or with, the dead, in cemeteries and other burial sites.
 - 5) it involves precious metals, alloys containing precious metal or any metal whose trade is subject to authorization.

(5) The punishment shall be imprisonment between one to five years if:

a) the theft is committed in respect of a substantial value;
b) the theft involves a considerable value and it is committed in the manner defined in Paragraphs a)-d) of Subsection (2).

(6) The punishment shall be imprisonment between two to eight years if:

a) the theft is committed in respect of a particularly considerable value;
b) the theft involves a substantial value and it is committed in the manner defined in Paragraphs a)-d) of Subsection (2).

c)

(7) The punishment shall be imprisonment between five to ten years if:

a) the theft is committed in respect of particularly substantial value;
b) the theft involves a particularly considerable amount and it is committed in the manner described in Paragraphs a)-d) of Subsection (2).

c)

Embezzlement

Section 317.

(1) 'Embezzlement' shall mean when a person unlawfully appropriates or disposes of as his own a thing with which he has been entrusted.

(2) The punishment shall be imprisonment for a misdemeanor for up to two years, community service work, or a fine, if the embezzlement is committed in respect of a minor value, or the embezzlement involves a petty offense value and it is committed:

- a) as part of a criminal conspiracy;
- b) at the scene of a public emergency;
- c) in a pattern of business operation;
- d)

(3)

(4) Punishment shall be imprisonment for up to three years if:

a) the embezzlement is committed for a considerable value;
b) the embezzlement involves a minor value and it is committed in the manner defined in Paragraphs a)-c) of Subsection (2);

c) the embezzlement is committed in respect of an object qualified as part of a cultural heritage.

(5) The punishment shall be imprisonment between one to five years if:

a) the embezzlement is committed for a substantial value;
b) the embezzlement involves a considerable value and it is committed in the manner defined in Paragraphs a)-c) of Subsection (2).

(6) The punishment shall be imprisonment between two to eight years if:

a) the embezzlement is committed for a particularly considerable value;
b) the embezzlement involves a substantial value and it is committed in the manner defined in Paragraphs a)-c) of Subsection (2).

(7) The punishment shall be imprisonment between five to ten years if:

a) the embezzlement is committed in respect of particularly substantial value;
b) the embezzlement is committed in respect of particularly considerable amount in the manner defined in Paragraphs a)-c) of Subsection (2).

Fraud

Section 318.

(1) 'Fraud' shall mean when a person uses deceit, deception, or trickery for unlawful financial gain, and thereby causes damage.

(2) The punishment shall be imprisonment for a misdemeanor for up to two years, community service work, or a fine, if the fraud results in a minor damage, or the fraud involves a petty offense value and it is committed:

- a) as part of a criminal conspiracy;
- b) at the scene of a public emergency;
- c) in a pattern of business operation.

d)

(3)

(4) The punishment shall be imprisonment for a felony for up to three years if:

- a) the fraud results in damage of considerable value;
- b) the fraud involves a minor value and it is committed in the manner defined in Paragraphs a)-c) of Subsection

(2).

(5) The punishment shall be imprisonment between one to five years if:

- a) the fraud results in damage of substantial value;
- b) the fraud involves a considerable value and it is committed in the manner defined in Paragraphs a)-c) of

Subsection (2).

(6) The punishment shall be imprisonment between two to eight years if:

- a) the fraud results in damage of particularly considerable value;
- b) the fraud involves a substantial value and it is committed in the manner defined in Paragraphs a)-c) of

Subsection (2).

c)

(7) The punishment shall be imprisonment between five to ten years if:

- a) the fraud results in damage of particularly substantial value;
- b) the fraud results in particularly considerable damage committed in the manner defined in Paragraphs a)-c) of

Subsection (2).

c)

Misappropriation of Funds

Section 319.

(1) 'Misappropriation of funds' shall mean the act of a person in wrongfully taking or using another's money that has been entrusted to him for a specific purpose.

(2) The punishment shall be imprisonment for a misdemeanor for up to one year, community service work, or a fine, if the misappropriation results in a minor pecuniary injury.

(3) The punishment for a felony shall be:

- a) imprisonment for up to three years if the misappropriation results in considerable pecuniary injury;
- b) imprisonment between one to five years if the misappropriation results in substantial pecuniary injury;
- c) imprisonment between two to eight years if the misappropriation results in particularly considerable pecuniary

injury;

d) imprisonment between five to ten years if the misappropriation results in particularly substantial pecuniary injury.

Defalcation

Section 320.

(1) 'Defalcation' shall mean the act of a person entrusted with funds for management and safeguarding on the strength of law, causing pecuniary injury by negligence or breach of obligation; defalcation is a misdemeanor punishable by imprisonment for up to two years, community service work, or a fine.

(2) The punishment shall be imprisonment of up to three years, if the act of defalcation results in particularly considerable or greater pecuniary injury.

Robbery

Section 321.

(1) Any person who takes away a thing to which he is not entitled for unlawful appropriation from another person, against his will, by force or imminent duress against life or bodily integrity, or by disabling another person by rendering him unconscious or incapable of self-defense is guilty of a felony punishable by imprisonment between two to eight years.

(2) Where a thief caught in the act applies force or imminent duress against life or bodily integrity in order to keep the thing, this is also considered robbery.

(3) The punishment shall be imprisonment between five to ten years if the robbery is committed:

- a) by force of arms;
- b) in respect of a substantial value;
- c) as part of a criminal conspiracy, or in group;
- d) against a public official or a foreign public official while acting in his official capacity, or against a person performing public duties in the course of such proceedings.

(4) The punishment shall be imprisonment between five to fifteen years if the robbery:

- a) involves a particularly considerable or greater amount of money;
- b) involves a substantial value and is committed against a public official or a foreign public official while acting in his official capacity, or against a person performing public duties in the course of such proceedings, and/or it involves a substantial value and is committed by force of arms, or in criminal conspiracy or in a group;
- c) is committed by force of arms or in a group against a public official or a foreign public official while acting in his official capacity, or against a person performing public duties in the course of such proceedings.

(5) Any person who engages in preparations for robbery is guilty of misdemeanor punishable by imprisonment for up to two years.

Plundering

Section 322.

(1) Any person who takes away a thing to which he is not entitled for unlawful appropriation:

- a) from another person by inebriating him for this purpose;
 - b) from a person who has been intimidated by force or imminent duress against life or bodily integrity by him in the course of the perpetration of another crime;
- is guilty of a felony punishable by imprisonment for up to five years.

(2) The punishment shall be imprisonment between two to eight years if plundering is committed:

- a) in respect of a substantial value;
- b) as part of a criminal conspiracy, or in group.

(3) The punishment shall be imprisonment between five to ten years for the crime of plundering if committed:

- a) for a particularly considerable or greater amount of money;
- b) in respect of substantial value, as part of a criminal conspiracy or in groups.

Extortion

Section 323.

(1) Any person who with violence or threat, for unlawful gain, forces another person to do, not to do, or to endure something, and thereby causes damage, is guilty of a felony punishable by imprisonment for between one to five years.

(2) The punishment shall be imprisonment between two to eight years if extortion is committed:

- a) as part of a criminal conspiracy;
- b) by duress against life or bodily integrity or other similar threat of force;
- c) by a public official in an official capacity or by feigning a official assignment or official action.

(3)

Vandalism

Section 324.

(1) 'Vandalism' shall mean causing damage by injury to or destruction of, property.

(2) The punishment for a misdemeanor shall be imprisonment for up to one year, community service work, or a fine, if the act of vandalism:

- a) results in minor damage;
- b) results in damage under the petty offense limit and is committed as part of a criminal conspiracy.

(3) Punishment for a felony shall be imprisonment for up to three years if the act of vandalism:

a) results in considerable damage;

b) 1. involves an object qualified as part of a cultural heritage, an archeological site or a historical monument;

c) results in minor damage to precious metals, alloys containing precious metal or any metal whose trade is subject to authorization.

2. involves religious objects or consecrated buildings or objects used for religious rights;

3. involves graves, burial sites or objects placed in memory of or with, the dead, in cemeteries and other burial sites.

(4) Punishment shall be imprisonment between one to five years if the act of vandalism:

a) results in substantial damage;

b) 1. involves an object qualified as part of a cultural heritage, an archeological site or a historical monument;

2. involves religious objects or consecrated buildings or objects used for religious rights;

3. involves graves, burial sites or objects placed in memory of or with, the dead, in cemeteries and other burial sites;

c) is committed using explosives or blasting agents.

(5) The punishment shall be imprisonment between two to eight years if the act of vandalism results in particularly considerable damage.

(6) The punishment shall be imprisonment between five to ten years if the act of vandalism results in particularly substantial damage.

Unlawful Appropriation

Section 325.

(1) Any person who appropriates an alien thing he has found, or fails to hand it over to the authorities or to the person who lost it, furthermore, who appropriates an alien thing he has received by mistake or accident, or fails to return it within eight days, is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

(2) The punishment shall be imprisonment for up to two years if the article misappropriated is an object qualified as part of a cultural heritage.

Receiving of Stolen Goods

Section 326.

(1) 'Receiving stolen goods' shall mean when a person - for financial gain or advantage - obtains, conceals or collaborates in the selling of any thing that originates from smuggling, theft, embezzlement, fraud, misappropriation of funds, robbery, plundering, extortion, unlawful appropriation, or from another receiver of stolen goods.

(2) The punishment shall be imprisonment for a misdemeanor for up to two years, community service work, or a fine, if receiving of stolen goods is committed:

- a) in respect of a minor value;
- b) in respect of a petty offense value, in a pattern of business operation.

(3) The punishment for a felony shall be imprisonment for up to three years, if the crime of receiving of stolen goods is committed:

- a) in respect of a considerable value;
- b) in respect of an object qualified as part of a cultural heritage;
- c) in respect of precious metals, alloys containing precious metal or any metal of minor value whose trade is subject to authorization.

(4) The punishment shall be imprisonment between one to five years if the crime of receiving of stolen goods is committed:

- a) in respect of a substantial value;
- b) in respect of a considerable value in a pattern of business operation.

(5) The punishment shall be imprisonment between two to eight years if the crime of receiving stolen goods is committed:

- a) in respect of a particularly considerable value;
- b) in respect of substantial value in a pattern of business operation.

(6) The punishment shall be imprisonment between five to ten years if the crime of receiving stolen goods is committed:

- a) in respect of particularly substantial value;
- b) in respect of particularly considerable value in a pattern of business operation.
- c)

Larceny of Motor Vehicle

Section 327.

(1) Any person who takes away from another person a motor vehicle to which he is not entitled in order to use it without authorization, or uses a vehicle thus taken away or entrusted to him without authorization, is guilty of a felony punishable by imprisonment for up to three years.

(2) The punishment shall be imprisonment for up to five years if the crime is committed:

- a) by force or imminent duress against life or bodily integrity;
- b) as part of a criminal conspiracy.

(3) The punishment shall be imprisonment between two to eight years if the crime defined in Paragraph a) of Subsection (2) was committed by force of arms or as part of criminal conspiracy.

Defrauding Consumers

Section 328.

(1) Any person who - in the process of supply of goods directly to consumers - engages in an activity for defrauding the consumers:

- a) by false measurement or calculation;
- b)
- c) by degrading the quality of goods;

is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine, if such act does not result in a criminal act of greater gravity.

(2) The person who engages in the conduct referred to in Subsection (1) shall also be punishable as described therein in the course of any service of economic nature to the detriment of the customers.

(3) Any person who engages in the defrauding of consumers in a pattern of business operation is guilty of a felony punishable by imprisonment for up to three years.

Plagiarism

Section 329.

(1) Any person who:

a) connotes as his own the intellectual product of another person and thereby causes financial injury to the right-holder of record;

b) misusing his position, office or membership at an economic operator makes the utilization of an intellectual product of another person, or the enforcement of rights associated therewith, conditional upon being given a share from the fee received for, or from the profits or proceeds generated by such product;

is guilty of a felony punishable by imprisonment for up to three years.

(2) For the purposes of this Section 'intellectual works' shall mean literary, scientific and artistic works, inventions, plant varieties, product designs, industrial designs, topographies of microelectronic semiconductors, and other innovations.

Infringement of Copyright and Certain Rights Related to Copyright

Section 329/A.

(1) A person who infringes the copyright or certain rights related to copyright of another person afforded under the Copyright Act for the purpose of financial gain or advantage and/or thereby causing financial injury, is guilty of a misdemeanor punishable by imprisonment of up to two years, community service work, or a fine.

(2) Any person who fails to pay the blank media fee or reproduction fee that is due to the author or the holder of a right related to copyright afforded under the Copyright Act in respect of copying for private purposes shall be punishable in accordance with Subsection (1).

(3) The punishment for a felony shall be imprisonment for up to three years if the infringement of copyright or certain rights related to copyright:

a) results in substantial financial injury;

b) is committed as part of a business operation.

(4) The punishment shall be:

a) imprisonment for up to five years if the infringement of copyright or certain rights related to copyright results in particularly considerable financial injury;

b) imprisonment between two to eight years if the infringement of copyright or certain rights related to copyright results in particularly substantial financial injury.

(4)

Compromising or Defrauding the Integrity of Technological Measures for the Protection of Copyright and Certain Rights Related to Copyright

Section 329/B.

(1) Any person who:

- a) manufactures or fabricates;
- b) supplies, distributes or deals with

any instrument, product, equipment and/or accessory for compromising the effective technological measures defined in the Copyright Act is guilty of a misdemeanor punishable by imprisonment of up to two years, community service work, or a fine.

(2) Any person who conveys economic, technical and/or organizational expertise to another person for the purpose of and as necessary for the defrauding of effective technological measures defined in the Copyright Act shall be punishable according to Subsection (1) above.

(3) The punishment shall be imprisonment for up to three years for a felony if the act of defrauding the effective technological measures defined in the Copyright Act is committed in a pattern of business operation.

(4) A person implicated in the offense described in Paragraph a) of Subsection (1) above shall not be liable for prosecution if he voluntarily confesses to the authorities his involvement in the manufacture or production of any instrument, product, equipment and/or accessory intended for compromising the effective technological measures defined in the Copyright Act prior to the authorities gaining knowledge of such, and if he surrenders such manufactured and fabricated objects to the authorities, and if he provides information concerning any other individuals participating in such manufacture or production.

Falsifying Data Related to Copyright Management

Section 329/C.

Any person who, for financial gain or advantage, unlawfully removes or falsifies any data or information - defined as such in the Copyright Act - and published in connection with the use of a work or performance of another person that is protected by copyright or certain rights related to copyright, is guilty of a misdemeanor punishable by imprisonment for up to two years, community service work, or a fine.

Violation of Industrial Design Rights

Section 329/D.

(1) A person who violates the right of the holder of a patent, plant variety, certification of supplementary protection, trademark, geographical indication, design rights, utility models or topographies conferred on the basis of an act, promulgated international convention or Community legislation by imitating or copying the subject matter of protection, and thereby causing financial injury, is guilty of a misdemeanor punishable by imprisonment of up to two years, community service work, or a fine.

(2) The punishment for a felony shall be imprisonment for up to three years if the violation of industrial design rights:

- a) results in substantial financial injury;
- b) is committed in a pattern of business operation.

(3) The punishment shall be:

a) imprisonment of up to five years if the violation of industrial design rights results in particularly considerable financial injury;

b) imprisonment between two to eight years if the violation of industrial design rights results in particularly substantial financial injury.

Concealment of Assets

Section 330.

Any person who conceals any part of his assets serving as collateral for a credit arrangement, or uses any other means to prevent the creditor to seek satisfaction is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

Usury

Section 330/A.

(1) Any person who, by taking advantage of the indigence of another person contracts a deal in a business pattern that contains an unreasonably high consideration, hence imposing additional and considerable hardship upon the injured party or his/her family is guilty of a felony punishable by imprisonment for up to three years.

(2) The punishment shall be imprisonment for up to five years if the crime of usury is committed in criminal conspiracy.

(3) Banishment may also be applied as an ancillary punishment.

Private Motion

Section 331.

The perpetrator of theft, embezzlement, fraud, misappropriation of funds, vandalism, unlawful appropriation, receiving of stolen goods, and larceny of motor vehicle shall be prosecuted only upon a private motion, if the injured party is his relative.

Voluntary Restitution

Section 332.

Interpretative Provisions

Section 333.

For the purposes of this Chapter:

1) the term 'thing' shall also refer to electricity and other forms of energy to be used in the economy, as well as to documents embodying any right and dematerialized securities which in themselves ensure disposal over the pecuniary value or right attested therein, or, in respect of dematerialized securities, to the beneficiary of the securities account;

2)

3)

4) within the meaning of habitual recidivism crimes of a similar character shall be understood as crimes against property.

Chapter XIX

Crimes Against Military Obligations

Section 333/A.

This Chapter shall apply when conscription is reintroduced in a state of preventive defense emergency or martial law.

Illegal Avoidance of Military Service

Section 334.

(1) Where a person who is liable to military service fails to report for service when drafted, this shall be construed a felony and punishable by imprisonment for up to five years.

(2) Any person who commits the above-specified crime by negligence shall be punishable for a misdemeanor by imprisonment for up to three years.

Evasion of Military Service

Section 335.

(1) The person liable to military service who - with the aim of evading military service - fails to meet his obligation of reporting for service, shall be punishable for a felony by imprisonment between five to ten years.

(2) The person liable to military service who, with the aim referred to in Subsection (1):

a) mutilates his body, inflicts damage to his health or exhibits any misleading demeanor;

b) leaves without permission for abroad or remains abroad for any extended period of time;

is punishable by imprisonment between five to fifteen years.

Refusal of Military Service

Section 336.

The person liable to military service who refuses military service shall be punishable for a felony by imprisonment between five to fifteen years.

Evasion of Civil Service

Section 336/A.

(1) Any person who has been authorized to perform civil service and who fails to appear when summoned shall be punishable for a felony by imprisonment for up to five years.

(2) Where a person referred to in Subsection (1) who, with the intention of evading civil service once and for all:

a) fails to report or appear when summoned, mutilates his body, inflicts damage to his health or exhibits any misleading demeanor, this person shall be punishable by imprisonment between one to five years;

b) leaves without permission for abroad or remains abroad for any extended period of time, this person shall be punishable by imprisonment between two to eight years.

(3) Any person who commits the criminal act set out in Subsection (1) with the intention of temporarily evading civil service shall be punishable for a felony offense by imprisonment for up to three years, or between one to five years if the duration of evasion exceeds six days.

Refusal of Civil Service

Section 336/B.

Any person who has been authorized to perform civil service and who refuses to perform civil service shall be punishable by imprisonment between one to five years.

Section 336/C.

Failure to Comply with the Obligation of Reporting

Section 337.

The person liable to military service who fails to appear when summoned shall be punishable for a felony offense by imprisonment for up to three years.

Obstructing the Performance of Military Service

Section 338.

(1) Any person engaged in a conduct aiming to prevent a person liable to military service from performing his obligation described in Section 334, Section 336/A, Section 336/B and Section 337 shall be punishable for a felony offense according to what is contained in these Sections.

(2) Any person engaged in a conduct aiming to assist a person liable to military service to evade military service in the manner defined in Section 335 shall be punishable in accordance with the distinction laid down in that Section.

Breach of Obligation of Civil Defense

Section 339.

(1) Any person who fails to perform his civil defense service obligations shall be punishable for a felony offense by imprisonment for up to three years.

(2) The punishment shall be imprisonment between one to five years if the crime results in a serious danger.

(3) Any person who perpetrates the crime defined in Subsection (2) by negligence shall be punishable for a misdemeanor offense by imprisonment for up to three years.

Breach of Military Work Obligation

Section 340.

The person obliged to military work, who gravely breaches this obligation by being absent or in any other manner, is guilty of a felony punishable by imprisonment for up to three years.

Infringement of Service Obligation

Section 341.

Any person who seriously infringes or evades his military defense obligation consisting in providing economic or material service shall be punishable for a felony offense by imprisonment for up to five years.

Active Repentance

Section 342.

The punishment may be reduced without limitation if the perpetrator of the crime defined in this Chapter voluntarily meets his omitted obligation.

Chapter XX

Military Offenses

Title I

Crimes Committed in the Line of Duty

Desertion

Section 343.

(1) Any person who - with the aim of removing himself from military service - leaves his place of service without permission, or remains absent therefrom, is guilty of a felony punishable by imprisonment between one to five years.

(2) The punishment shall be imprisonment between two to eight years if the desertion is committed:

a) by force of arms;

b) in a group;

c) in the course of the performance of an important service or by using the service;

d) by the use of force against a person.

(3) The person who deserts abroad shall be punishable by imprisonment between five to fifteen years.

(4) The person who deserts abroad in the manner defined in Paragraphs a)-c) of Subsection (2), or commits desertion in wartime shall be punishable by imprisonment between ten to fifteen years or life imprisonment.

(5) The person who engages in preparations for desertion as defined in Subsection (2) or Subsection (3) is guilty of a felony punishable by imprisonment between one to five years, in wartime from five to ten years.

(6)

(7) The punishment of a deserter may be reduced without limitation if he voluntarily presents himself to the authorities.

Misprision of Desertion

Section 344.

Any person who has positive knowledge of preparations being made for desertion abroad, or such a crime has been committed yet undetected, and fails to promptly report that to the authorities is guilty of a felony punishable by imprisonment for up to three years. Relatives of deserters shall not be liable for prosecution for misprision.

Absence without Leave

Section 345.

(1) Any who leaves his post without permission, or remains absent therefrom, and his absence exceeds forty-eight hours, is guilty of a misdemeanor punishable by imprisonment for up to one year, or by imprisonment between one to five years for a felony in wartime.

(2) If the duration of absence without leave exceeds nine days the punishment shall be imprisonment for a felony for up to three years, or imprisonment between two to eight years in wartime.

Evasion of Service

Section 346.

(1) Any person who - with the aim of removing himself from military service - mutilates his body, inflicts damage to his health or exhibits any misleading demeanor is guilty of a felony punishable by imprisonment between one to five years, or by imprisonment between ten to fifteen years or with life imprisonment in wartime.

(2) The person who commits the crime defined in Subsection (1) for temporarily removing himself from his military service is guilty of a misdemeanor punishable by imprisonment for up to one year, or for a felony with imprisonment between one to five years in wartime.

(3) If the duration of temporary departure exceeds six days, the punishment shall be for a felony imprisonment for up to three years, or imprisonment between two to eight years in wartime.

Refusal of Service

Section 347.

Any person who refuses to perform military service is guilty of a felony punishable by imprisonment between one to five years, or with imprisonment between ten to fifteen years, or life imprisonment in wartime.

Breach of Discipline in the Line of Duty

Section 348.

(1) The person who falls asleep, consumes alcoholic beverages, leaves his post or otherwise violates service regulations while on guard duty, patrol, or other duty of alert is guilty of a misdemeanor punishable by imprisonment for up to one year.

(2) The punishment for a felony shall be imprisonment for up to five years, or imprisonment between two to eight years in wartime, if the crime results in considerable jeopardy for the service.

(3) The punishment for a felony shall be imprisonment between ten to fifteen years or life imprisonment, if the crime is committed in a combat situation and it results in particularly considerable damage.

(4) The person who commits the crime out of negligence shall be punishable in the case of Subsection (2) for a misdemeanor in accordance with the distinction made there, by imprisonment for up to one year or up to three years, and in the case of Subsection (3) by imprisonment for up to five years.

Evasion from Performing a Service Duty

Section 349.

(1) The person who removes himself from an important service duty by deception or absence, or makes himself incapable of the performance thereof, is guilty of a misdemeanor punishable by imprisonment for up to one year.

(2) The punishment for a felony shall be imprisonment for up to three years, or between one to five years in wartime, if the crime results in imminent danger of considerable damage to the service.

Violation of the Obligation of Reporting

Section 350.

(1) Any person who fails to make a report in an important service matter in due time, or makes an untrue report, is guilty of a misdemeanor punishable by imprisonment for up to one year.

(2) The punishment for a felony shall be imprisonment for up to three years, or imprisonment between one to five years in wartime, if the crime results in considerable damage to the service.

Abuse of Authority

Section 351.

(1) The person who - in order to cause unlawful disadvantage or to obtain unlawful advantage - abuses his service authority or position is guilty of a misdemeanor punishable by imprisonment for up to two years, if such act does not result in a criminal act of greater gravity.

(2) The punishment for a felony shall be imprisonment for up to five years if the crime results in considerable damage.

Title II

Insubordination

Mutiny

Section 352.

(1) Any person who partakes in an open insubordination with others directed against the order of service and discipline and causing considerable disturbance in the performance of service duties is guilty of a felony punishable by imprisonment between two to eight years.

(2) The punishment for mutiny shall be imprisonment between five to fifteen years:

a) for the instigator, organizer or leader of the revolt;

b) for any participant who applies violence against a superior or a person attempting to break off the mutiny.

(3) The punishment shall be imprisonment between ten to fifteen years, or life imprisonment:

a) for the instigator, organizer or leader of the mutiny if it results in particularly grave consequences;

b) for the participants, if their acts committed during the mutiny result in death or in particularly grave consequences.

(4) In wartime the punishment shall be imprisonment between five to fifteen years in case of Subsection (1), or between ten to fifteen years, or life imprisonment in case of Subsection (2) as well as in the case of Subsection (1) in combat situations.

(5) In the case referred to in Subsection (1), the punishment of the person who breaks off the mutiny before the occurrence of grave consequences, or upon having been ordered thereto, may be reduced without limitation.

(6) Any person who engages in preparations for mutiny is guilty of a felony punishable by imprisonment between one to five years, or between two to eight years in wartime.

Failure to Prevent Mutiny

Section 353.

The person who fails to prevent, to the best of his abilities, a mutiny or its preparation which he has positive knowledge of, or fails to promptly report it is guilty of a felony punishable by imprisonment for up to three years.

Disobedience

Section 354.

(1) Any person who disobeys an order is guilty of a misdemeanor punishable by imprisonment for up to one year, or up to three years for a felony if committed in a group.

(2) The punishment for a felony shall be imprisonment for up to five years, or between two to eight years in wartime, if disobedience:

a) is done in the presence of other subordinates either with the express refusal to abide by the order or in any other insolent manner;

b) results in imminent danger of considerable disadvantage for service or discipline.

(3) The person who fails to perform a combat order in war shall be punishable by imprisonment between ten to fifteen years, or life imprisonment.

(4) The person who commits the crime by negligence shall be punishable for a misdemeanor in the case of Paragraph b) of Subsection (2) by imprisonment for up to one year, or up to three years in wartime, and in the case of Subsection (3) by imprisonment for up to five years.

Violence Against a Superior or a Law Enforcement Officer

Section 355.

(1) The person who applies violence against:

a) a superior;

b) a person in a position senior to his, a guard or other law enforcement officer during or because of the latter's performance of service, uses the threat of force or displays active resistance, is guilty of a felony punishable by imprisonment for up to three years, or between one to five years in wartime.

(2) The punishment shall be imprisonment for up to five years, or between two to eight years in wartime, if:

a) the crime is committed with arms or in a group;

b) the crime also constitutes disobedience;

c) the crime involves grievous bodily harm or the danger of considerable disadvantage for service or discipline.

(3) The punishment shall be imprisonment between two to eight years, or between five to ten years in wartime if the crime results in permanent physical disability or a grave injury to health, or danger to life.

(4) The punishment shall be imprisonment between five to fifteen years if the crime causes the death of the injured party.

(5) The punishment shall be imprisonment between ten to fifteen years or life imprisonment, if:

a) the crime also involves first degree murder;

b) the crime is committed in a combat situation.

(6) The provisions of this Section shall also apply if the crime is committed against a person defending a person referred to in Subsection (1), whether on his own accord or under command.

Insult of Authority

Section 356.

- (1) The person who affronts the authority:
- a) of a superior,
 - b) of a person in a position senior to his, a guard or other law enforcement officer in the line of duty in front of others or in a conspicuously gross manner is guilty of a misdemeanor punishable by imprisonment for up to one year.
- (2) The punishment for a felony shall be imprisonment for up to three years if the crime is committed in front of several soldiers or otherwise in public.

Incitement

Section 357.

- (1) The person who incites discontent among soldiers towards a superior, a command or in general towards the order of service or discipline is guilty of a misdemeanor punishable by imprisonment for up to one year.
- (2) The punishment shall be imprisonment for up to three years if:
- a) the incitement is committed in the course of the performance of service;
 - b) the incitement entails considerable disadvantage for the service or discipline.

Title III

Crimes of Superiors

Insult of Subordinate

Section 358.

- (1) The person who insults his subordinate in his human dignity in front of others or in a conspicuously gross manner is guilty of a misdemeanor punishable by imprisonment for up to one year.
- (2) The punishment for a felony shall be imprisonment for up to three years if the crime is committed:
- a) for a malicious motive or purpose;
 - b) causing grievous bodily or mental torment;
 - c) to the injury of several subordinates.
- (3) The punishment shall be imprisonment between one to five years if the crime results in grievous bodily harm or considerable disadvantage to the service.

Abuse of the Power of a Superior

Section 359.

The person who by abusing his power as a superior:

- a) imposes a disciplinary punishment on his subordinate;
 - b) restricts him in the exercise of his right to complaint;
 - c) curtails his remuneration, or financially burdens him;
 - d) uses him for a private purpose;
 - e) affords a more favorable or disadvantageous treatment in comparison with the others;
- is guilty of a misdemeanor punishable by imprisonment for up to one year.

Neglect of Superior's Responsibility

Section 360.

(1) Any person who is superior in rank and who breaches his duty by failing to take action as it may be required for the material provision of his subordinate or for protecting him from some imminent danger or for rescuing him is guilty of a misdemeanor punishable by imprisonment for up to one year, if such act does not result in a criminal act of greater gravity.

(2) The punishment for a felony shall be imprisonment for up to five years, or between two to eight years in wartime, if the crime involves considerable disadvantage for the service or discipline.

(3) The person who commits the crime defined in Subsection (2) by negligence shall be punishable for a misdemeanor by imprisonment for up to one year, or up to three years in accordance with the distinction made there.

Superior's Failure to Take Action

Section 361.

(1) Any person who is superior in rank and who breaches his duty by failing to take the necessary action:

a) to prevent his subordinate from breaching his duty or committing a crime, or for calling him to account;

b) for controlling any disturbance against the order of service, discipline or public safety,

is guilty of a misdemeanor punishable by imprisonment for up to one year.

(2) If the crime involves considerable disadvantage for the service, discipline or public safety, the punishment shall be imprisonment for a felony for up to five years, or between two to eight years in wartime.

(3) The person who commits the crime defined in Subsection (2) by negligence shall be punishable for a misdemeanor by imprisonment of up to one year, or up to three years, in accordance with the distinction made therein.

Omission of Control

Section 362.

(1) Any person who is superior in rank and who breaches his duty by failing to control the performance of service of his subordinates, and this involves a considerable disadvantage for the service or discipline, is guilty of a misdemeanor punishable by imprisonment for up to one year.

(2) If the crime involves particularly considerable disadvantage for the service or discipline, the punishment for a felony shall be imprisonment for up to five years, or between two to eight years in wartime.

(3) The person who commits the crime defined in Subsection (2) by negligence shall be punishable for a misdemeanor by imprisonment of up to one year, or up to three years, in accordance with the distinction made therein.

Title IV

Crime Against Military Efficiency

Compromising Combat Readiness

Section 363.

- (1) The person who directly endangers the combat readiness of a military unit by breaching his service duty:
- a) by failing to provide for the required armaments, military equipment or other war material, or the protection of their stocks;
 - b) by destroying, rendering unusable or otherwise removing from their designated purpose important armaments, military equipment, or other important war material;
- is guilty of a felony punishable by imprisonment between one to five years, or between two to eight years in wartime.
- (2) If the crime involves particularly considerable disadvantage for the service, the punishment shall be imprisonment between two to eight years, or between ten to fifteen years or life imprisonment in wartime.
- (3) The person who commits the crime by negligence shall be punishable for misdemeanor in the case of Subsection (1) - in accordance with the distinction made therein - by imprisonment for up to one year or up to three years; in the case of Subsection (2) - in accordance with the distinction made therein - by imprisonment for up to three years or up to five years.

Commander's Breach of Duty

Section 364.

- Any commander who breaches his duty in a combat situation and:
- a) surrenders the subordinate soldiers to the enemy or allows them to be captured;
 - b) destroys without a compelling necessity an important battle position, equipment, combat supplies or any other war material entrusted to him, or yields it to the enemy in a usable condition;
 - c) fails to display the resistance against the enemy of which he is capable;
- is guilty of a felony punishable by imprisonment between ten to fifteen years or life imprisonment.

Evasion of Combat Obligation

Section 365.

- Any person who in a war evades his combat obligation:
- a) by leaving his post without permission, hiding or fleeing;
 - b) by intentionally causing inability to fight, or by deceptive conduct;
 - c) by discarding his fighting equipment, by destroying it or failing to use it;
 - d) by voluntarily surrendering himself to the enemy;
 - e) by other grave infringement of his service obligations;
- is guilty of a felony punishable by imprisonment between ten to fifteen years or life imprisonment.

Demoralization

Section 366.

(1) Any person who in wartime incites discontent among the soldiers, who prompts defeatism, is guilty of a felony punishable by imprisonment between one to five years.

(2) The punishment shall be imprisonment between five to fifteen years if the crime:

- a) causes discontent or other violation of duty among the soldiers;
- b) involves other important disadvantage for the service.

Interpretative Provision

Section 367.

For the purposes of this Section, 'military service' shall mean the service performed by the persons described in Subsection (1) of Section 122.

Section 368.

For the purposes of this Chapter 'combat situation' shall also mean when the military units of the Hungarian Armed Forces are deployed in a foreign country.
