

# **CRIMINAL CODE OF GEORGIA**

## **GENERAL PART**

### **SECTION ONE. CRIMINAL LAW**

#### **CHAPTER I. CRIMINAL LEGISLATION OF GEORGIA**

##### ***Article 1. Criminal Legislation of Georgia and Its Purpose***

1. The Criminal Code of Georgia establishes the basis of criminal liability, determines as to which particular action is criminal, and metes out relevant punishment or other punitive measure.
2. This Code is compatible with the Constitution of Georgia, universally recognized principles and standards of international law.
3. The present Code is targeted at preventing crime and protecting law and order.

#### **CHAPTER II. SCOPE OF APPLICATION OF CRIMINAL LAW**

##### ***Article 2. Applicability of Criminal Law in Time***

1. The criminality and punishability of the action shall be determined under the criminal law applicable at the time of committing this action.
2. The time of committing a crime shall be the time when the perpetrator or accomplice acted or must have acted irrespective of when the result is produced.

##### ***Article 3. Retroactivity of Criminal Law***

1. The criminal law which nullifies criminality of the action, improves the condition of the offender shall be retroactive. The criminal law that lays down the criminality of the action, toughens punishment or otherwise aggravates the condition of the offender shall in no way be retroactive.
2. If a new criminal law commutes the sentence for the action wherefore the convict is serving it, this sentence must be shortened to the extent permitted by the new criminal law.
3. If, from the perpetration of the crime to conviction, the criminal law is changed several times, the most lenient law shall be applied.
4. Coercive measure of educative effect and coercive measure of medical nature shall be applied only under the law that is applicable during the court settlement of the case.

##### ***Article 4. Applicability of Criminal Law toward Crime Committed on the Territory of Georgia***

1. The one who has perpetrated a crime on the territory of Georgia shall bear criminal liability as hereunder provided.
2. The crime shall be deemed perpetrated on the territory of Georgia if it began, continued, terminated or ended on the territory of Georgia. This code shall also be applied to the crimes committed on the continental shelf of Georgia and in the Special Economic Zone.
3. The one who has perpetrated a crime on or against the vessel authorized to use the national flag or identification mark of Georgia, shall bear criminal liability under this Code unless otherwise prescribed by the International Treaty of Georgia.
4. If the diplomatic representative of a foreign country as well as the person enjoying diplomatic immunity has committed a crime on the territory of Georgia, the question of their criminal liability shall be settled in manner and to the extent permitted by the international law.

##### ***Article 5. Criminal Liability for Crime Perpetrated Abroad***

1. The citizen of Georgia as well as the stateless person permanently residing in Georgia who has committed the action under this Code which is regarded

as crime under the legislation of the state in which it was committed, shall bear criminal liability under this Code if they have not been convicted in another state.

2. The citizen of Georgia as well as the stateless person permanently residing in Georgia who has committed the action under this Code which is not regarded as crime under the legislation of the state in which it was committed, shall bear criminal liability under this Code if it is a grave or especially grave offense directed against the interests of Georgia or if the criminal liability for this offense is provided by the International Treaty of Georgia.

3. The citizen of a foreign state as well as the stateless person not permanently residing in Georgia who has committed the action under this Code shall bear criminal liability under this Code if it is a grave or especially grave offense directed against the interests of Georgia or if the criminal liability for this offense is provided by the International Treaty of Georgia if they have not been convicted in another state.

#### **Article 6. Extradition of Criminal**

1. The citizen of Georgia as well as the stateless person permanently residing in Georgia shall in no way be extradited to the other state for criminal prosecution or for serving a sentence unless otherwise determined by the International Treaty of Georgia.

2. The citizen of a foreign state as well as the stateless person being on the territory of Georgia who has committed a crime may be extradited to another state for criminal prosecution or for serving a sentence in manner and to the extent determined by the International Treaty of Georgia.

3. It shall be inadmissible to extradite the person under asylum who has committed a crime and who is being persecuted for political creed or the person who has committed the action not regarded as crime under the legislation of Georgia or if for this crime capital punishment is prescribed in the state seeking extradition. The question of criminal liability of such persons shall be settled in manner and to the extent permitted by the international law.

### **SECTION TWO. CRIME**

#### **CHAPTER III. BASIS FOR CRIMINAL LIABILITY, CRIME CATEGORIES**

##### **Article 7. Basis for Criminal Legislation**

1. The basis for the criminal responsibility shall be a crime, i.e. the illegal and disorderly actions provided under this Code.

2. Crime shall not be the action that, although formally carrying the signs of crime, has not produced, for minor importance, the prejudice which would necessitate the criminal liability of its perpetrator, or has not created the threat of such prejudice.

##### **Article 8. Casual Relationship**

1. If under the relevant article hereof the crime is deemed as ended only in case the action has given rise to illegal result or has created a specific threat of producing such result, it shall be necessary to establish a casual relationship between the action and the result or threat.

2. Casual relationship exists if the action constituted a *sine qua non* for the illegal result or specific threat provided under the relevant article hereof without which this time such result would not have been produced or such threat would not have been created.

3. Inaction shall be deemed as *sine qua non* for producing the illegal result or for creating specific threat provided under the relevant article hereof in case the person was assigned special legal obligation of the action, had possibility for such action and the result would have been forestalled by obligatory and possible action.

**Article 9. Crime of Aforethought**

1. Crime of aforethought shall be the action that is perpetrated with direct or indirect intention.
2. The action shall be perpetrated with direct intention if the wrongdoer was aware of the illegitimacy of his/her action, foresaw the possibility for the arrival of the illegal consequence and wished to have this consequence, or foresaw the inevitability of the realization of such consequence.
3. The action shall be perpetrated with indirect intention if the wrongdoer was aware of the illegitimacy of his/her action, foresaw the possibility for the arrival of the illegal consequence, did not wish to have this consequence but deliberately allowed for or was negligent to deal with the arrival of such consequence.

**Article 10. Crime without Due Caution and Circumspection**

1. The action shall be deemed to be Crime without Due Caution and Circumspection if it is perpetrated through presumption or lack of circumspection.
2. The action shall be perpetrated through presumption if the person was aware of the action forbidden under the norms of foreseeing, foresaw the possibility for the illegal consequence but had unfounded hope that he/she would avoid this consequence.
3. The action is committed without due caution and circumspection if the person was aware of the action forbidden under the norms of foreseeing, did not foresee the possibility for the illegal consequence though he/she was obliged to and could foresee it.
4. The action committed without due caution and circumspection shall be deemed to be offense only in case it is referred to in the relevant article of this Code.

**Article 11. Liability for Crime of Aforethought with Attendant Consequence**

1. If criminal law provides for the enhancement of punishment for the arrival of the attendant consequence that fell out of the criminal's purpose, such enhancement shall be permitted only in case a person carried out this consequence without due caution and circumspection. Such action shall constitute a crime of aforethought.
2. Other qualifying mark of the crime of aforethought shall fall within a person's responsibility only in case this mark was part of the intention of this person.

**Article 12. Crime Categories**

1. In accordance with the maximum term of imprisonment provided as punishment by the article or part of the article of this Code, there shall be three categories of crime:
  - a) misdemeanor;
  - b) grave crime;
  - c) especially grave crime.
2. Misdemeanor shall be the crime of aforethought or Crime without Due Caution and Circumspection for practice whereof the sentence provided by this Code is not in excess of ten years of imprisonment.
3. Grave shall be the crime of aforethought or Crime without Due Caution and Circumspection for practice whereof the sentence provided by this Code is not in excess of ten years of imprisonment.
4. Especially grave shall be the crime of aforethought or Crime without Due Caution and Circumspection for practice whereof the sentence provided by this Code exceeds ten years of imprisonment or covers a full life term.

**CHAPTER IV. TYPES OF INTEGRAL CRIME**

**Article 13. Ongoing Crime**

1. Ongoing crime shall be the one referred to in one article or part of the article of this Code the perpetration whereof commences with action or inaction and which thereafter is carried out without let-up.
2. Ongoing crime shall be completed upon the termination of the action.

***Article 14. Renewable Crime***

1. Renewable shall be the crime referred to in one article or part of the article of this Code which consists of two or more actions perpetrated with one aim and common purpose.
2. Renewable crime shall be completed upon the perpetration of the last action.

**CHAPTER V. MULTIPLE CRIME**

***Article 15. Repeated Crime***

1. Repeated crime shall mean the perpetration of two or more offenses referred to in one article or part of the article of this Code. Two or more offenses referred to in various articles or parts of the articles of this Code shall be construed as repeated crime only in case it is expressly set forth in the relevant article of this Code.
2. Crime shall not be deemed as repeated if the person was released from criminal liability for the previous offense pursuant to the established rule or if previous conviction of such person was removed from the record or declared extinct.
3. If this Code provides that repeated crime constitutes the circumstance that invites a severer punishment, the two or more crimes perpetrated by a person shall be qualified under the relevant part of the article of this Code, which provides for the sentence for repeated crimes.

***Article 16. Cumulative Crime***

1. Cumulative crime shall mean the practice of two or more crimes referred to in various articles or parts of the articles of this Code neither of which the perpetrator has been previously convicted. Cumulative crime shall also be the perpetration of the action which involves the signs of crimes referred to in two or more articles or parts of the articles of this Code.
2. If the action is provided by general and special norms, cumulative crime shall not exist and criminal liability shall be imposed on the wrongdoer in accordance with the special norm.

***Article 17. Recidivism***

1. Recidivism shall mean return to the crime of aforethought by the person previously convicted of crime of aforethought.
2. Dangerous recidivism shall be:
  - a) return to the crime of aforethought punishable by imprisonment by the wrongdoer who has at least twice been previously convicted of crime of aforethought;
  - b) return to grave crime of aforethought by the one who has previously been convicted of grave crime of aforethought.
3. Especially dangerous recidivism shall mean:
  - a) return to the crime of aforethought punishable by imprisonment by the one who has three or more times been previously convicted of misdemeanor of aforethought or grave crime of aforethought;
  - b) return to the grave crime of aforethought by the one who has at least twice been previously convicted of grave crime of aforethought or who has been convicted of especially grave crime of aforethought;
  - c) return to especially grave crime of aforethought by the one who has been previously convicted of grave or especially grave crime of aforethought.

**CHAPTER VI. INCOMPLETE CRIME**

**Article 18. Preparation of Crime**

1. Preparation of crime shall be intentional creation of conditions for the perpetration of crime.
2. Criminal liability shall be prescribed for the preparation of grave or especially grave crimes only.
3. Criminal liability for the preparation of crime shall be determined under the relevant article of this Code which provides for liability for completed crimes, by giving reference to this article.

**Article 19. Attempted Crime**

1. Attempted crime shall be a deliberate action that was designed to perpetrate a crime but the crime was not completed.
2. Criminal liability for attempted crime shall be determined under the relevant article of this Code which provides for liability for completed crimes, by giving reference to this article.

**Article 20. Releasing from Responsibility for Incomplete Crime**

No criminal liability whatsoever for the preparation of crime or attempted crime shall be imposed upon a person if the relevant illegal result could not have been achieved by the instrument applied for the perpetration of the crime due to such person's unawareness or any other personal handicap.

**Article 21. Voluntary Refusal to Complete Crime**

1. No criminal liability shall be imposed on the person who voluntarily and for good refuses to complete crime.
2. The person who voluntarily refuses to complete crime shall be subject to criminal liability only in case the actual action carried out by such person is another crime.
3. Criminal liability shall be withdrawn from the organizer, instigator and accomplice in case they dissuaded the perpetrator, timely informed a governmental body or otherwise obstructed the perpetrator or other accomplice, thus not giving the possibility to complete the crime. The accomplice shall be released from criminal liability if he/she did not carry through the action promised to the perpetrator or other accomplice or had retrieved the tool or instrument transferred for the perpetration of crime before the crime is committed.
4. If the organizer, instigator and psychic accomplice failed to, with their efforts, avoid the perpetration of the crime by the perpetrator, the measures taken by them may be viewed as extenuating circumstance by the court when awarding a sentence.
5. The person who did all to realize the relevant consequence of the *Corpus Delicti*, but thereafter, in the course of events, voluntarily made active efforts and forestalled this consequence shall be released from liability.

**CHAPTER VII. PERPETRATION AND COMPLICITY**

**Article 22. Perpetration**

1. Perpetrator shall be the one who immediately committed the offense or participated along with the other (co-perpetrator) in the wrongdoing, as well as the one who perpetrated the crime though such person is released from criminal liability under this Code due to age, diminished responsibility or any other circumstance.

**Article 23. Complicity**

Complicity in the crime shall mean joint participation of two or more persons in the perpetration of the crime.

**Article 24. Types of Complicity**

1. The organizer shall be the one who staged the crime or supervised its perpetration as well as the one who established the organized group or

supervised it.

2. The instigator shall be the one who persuaded the other person into committing the offense.
3. The accomplice shall be the one who aided the perpetration of crime.

**Article 25. Liability of Perpetrator and Accomplice**

1. Criminal liability shall be imposed upon the perpetrator and accomplice only for their own fault on the basis of joint illegal action, in consideration of the character and quality of the part that each of them played in the wrongdoing.
2. Criminal liability of the co-perpetrator shall be determined in compliance with the relevant article of this Code, without giving reference to this article.
3. Criminal liability of the organizer, instigator and accomplice shall be determined under the relevant article of this Code, by giving reference to this article except for the case when they were concurrently the co-perpetrators of the crime.
4. If the action of the perpetrator or accomplice involves the sign typical for illegal action, this sign shall give rise to the liability of the other perpetrator or accomplice whose action did not bear this sign if the latter perpetrator or accomplice was aware of this sign.
5. The personal sign, which is typical for the wrongdoing or the personality of one of the perpetrator or accomplice, shall be charged against the perpetrator or accomplice whom this sign is typical for.
6. The person shall be subject to criminal liability as an organizer, instigator or accomplice for participation in the crime the perpetrator whereof may be a special subject of the relevant crime prescribed by this Code.
7. If the perpetrator has not completed the crime, the accomplice shall be subject to criminal liability for the preparation of or complicity in the attempted crime. Criminal liability for the preparation of the crime shall likewise be imposed upon the one who failed, due to circumstances beyond his control, to persuade other person into wrongdoing.

**Article 26. The Excesses of Perpetrator**

1. The excesses of the perpetrator shall mean the practice, by the perpetrator, of the actions who was no part of the intention of the other co-perpetrator or accomplice.
2. No criminal liability whatsoever shall be imposed upon the other cop perpetrator or accomplice for the excesses of the perpetrator.

**Article 27. Crime by Group**

1. The crime shall be committed by a group if two or more perpetrators were engaged in its perpetration without previous consent.
2. The crime shall be committed by a group with aforethought if the participants therein previously came in cahoots to commit the crime.
3. The crime shall be committed by an organized group if it was perpetrated by a rigid group of persons who previously came in cahoots to perpetrate several crimes.
4. In case prescribed by the relevant article of this Code, criminal liability for the formation or leading of the organized group shall be imposed upon the one who formed or supervised such group. Such person shall be liable for all the offenses if they were part of his/her intention. Other participant of the organized group shall be liable as provided under the relevant article of this code as well as for the crime in the staging or perpetration of which such person participated.

**CHAPTER VIII. NON-INCRIMINATING CIRCUMSTANCES**

**Article 28. Necessary Defense**

1. The person does not act against law if he commits the action prescribed by this Code within the frames of necessary defense, i. e. in case of wrongdoing

the person injures the wrongdoer to protect his own or others legal concerns.

2. The person may exercise the right to necessary defense regardless of his/her ability to prevent wrongdoing or ask other person for help.
3. The injury of the wrongdoer to retrieve the property deprived illegally or any other legal good shall be within the bounds of law if this occurred immediately after the legal good was taken by the wrongdoer or it was still possible to immediately retrieve it.
4. Failure to observe the frames of necessary defense shall mean the explicit incompatibility of the defender's defense with the character and danger of the assault thereon.

**Article 29. Apprehension of Wrongdoer**

1. The person, who catches the wrongdoer in order to take him to a governmental body without exceeding the due measure prescribed for this purpose, shall in now way act against the law.
2. Exceeding the due measure for the apprehension of the wrongdoer shall mean the explicit incompatibility of this measure with the weight of the crime committed by the wrongdoer and the circumstances related to the apprehension.

**Article 30. Extreme Necessity**

The person shall not act against the law who commits the action provided by this Code under the condition of extreme necessity, i.e. who injures the wrongdoer to avert the danger that was presented to the legal concerns of the injurer per se or of any other person, if it was impossible to forestall this danger by any other means and if the saved concerns overrode injured ones.

**Article 31. Justifiable Risk**

1. The person shall not act against the law if he/she prejudices legal concerns within the bounds of justifiable risk in order to accomplish a socially useful objective.
2. The risk shall be justified if this objective could not have been accomplished by any other risk-free action and if the person resorted to any and all legal remedies to avoid the prejudice of the legal concern.

**Article 32. Release from Criminal Liability in Case of Other Legally Justifiable Action**

The person does not act against the law if he/she commits the action prescribed in this Code in the existence of the other circumstances which, although not expressly referred to in this Code, are fully compatible with the legitimacy provisions of this action.

**CHAPTER IX. CIRCUMSTANCES RELIEVING RESPONSIBILITY**

**Article 33. Release from Responsibility Due to Age**

Criminal liability for the illegal action provided under this Code shall in no way be imposed upon the person who has not reached fourteen years before the perpetration of this action.

**Article 34. Release from Responsibility for Mental Illness**

1. Criminal liability for the illegal action provided under this Code shall in no way be imposed upon the person who, due to chronic mental illness, temporary mental disorder, imbecility or any other mental disease, was unable to comprehend the illegitimacy of his/her action or, although could comprehend, could nevertheless, not act otherwise.
2. The court may apply any of the medical measure of coercion provided by this Code to the person released from responsibility.
3. No criminal liability shall be imposed upon the one who committed the relevant consequence of the *Corpus Delicti* at the condition of full legal responsibility but had become mentally ill before the deliverance of sentence

wherefore can not control or guide oneself. In such case the court may award a coercive measure of medical character and after the recovery such person may be punished.

**Article 35. Diminished Responsibility**

1. Criminal liability shall not be lifted up from the major who, at the moment of committing the crime, was under the condition of diminished responsibility, i.e. could not fully comprehend the actual character or illegitimacy of his/her action or guide oneself due to mental illness.
2. The court gives due consideration to the diminished responsibility when awarding a sentence and this may serve as the basis for awarding a medical measure of coercion.
3. Criminal liability shall be lifted up from the minor who was under the condition of diminished responsibility at the moment of committing the crime. In such case the court may award a medical measure of coercion.

**Article 36. Omission**

1. The person who does not know that the action perpetrated by him/her is illegal shall not be punished if the omission can be forgiven.
2. The omission can be forgiven if in the existing situation the person did not know and could not know that he was practicing an illegal action.
3. If the omission can not be forgiven, the person may be held liable only for lack of circumspection if the perpetration of such action without due caution and circumspection is punishable under this Code.

**Article 37. Fulfillment of Order or Instruction**

1. Criminal liability shall not be imposed upon the one who prejudiced a legal good at the time of fulfilling obligatory order or instruction. Criminal liability for such prejudice shall be imposed upon the one who issued the illegal order or instruction.
2. The person shall be subject to criminal liability for wittingly fulfilling a criminal order or instruction according to the general rule if there are no other circumstance relieving responsibility.

**Article 38. Releasing from Criminal Liability in Case of Other Innocent Action**

The person does not act against the law who practices the action provided by this Code under any other circumstance which, although not expressly referred to in this Code, is fully compatible with the provisions of innocence prescribed under this Code.

**SECTION THREE. PUNISHMENT**

**CHAPTER X. PURPOSES AND TYPES OF PUNISHMENT**

**Article 39. Purpose of Punishment**

1. Punishment is aimed at the restoration of justice, prevention of new crimes and resocialization of a criminal.
2. The purpose of punishment shall be fulfilled through pressure upon the convict and other person in order that they develop a feeling of responsibility for the protection of law and order. Such forms and instruments of pressure upon the convict are provided for by the legislation of Georgia on sentence administration.
3. The purpose of punishment shall not be a physical suffering of a human being or humiliation of his/her dignity.

**Article 40. Types of Punishment**

There shall be the following types of punishment:

- a) fine;
- b) deprivation of the right to occupy a position or pursue a particular activity;



- c) socially useful labour;
- d) corrective labour;
- e) restriction of the service of a military;
- f) restriction of freedom;
- g) jail sentence;
- h) placement into a disciplinary military unit;
- i) imprisonment for a specific term;
- j) life imprisonment.

**Article 41. Main and Additional Punishment**

1. Socially useful labour, corrective labour, restriction of the service of a military, restriction of freedom, jail sentence, placement into a disciplinary military unit, imprisonment for a specific term and life imprisonment may be awarded as main punishment only.
2. Fine and deprivation of the right to occupy a position or pursue a particular activity may be awarded as main as well as additional punishment.

**Article 42. Fine**

1. Fine shall be a pecuniary payment awarded under daily payment system.
2. Minimum daily payment fine shall be ten days' payment and maximum - three hundred and sixty days' payment. When collecting punishment, the extent of fine shall not be in excess of seven hundred and twenty days' payment.
3. Minimum daily payment fine shall be two lari and maximum - ten thousand lari.
4. The extent of fine shall be determined by court in consideration of the gravity of crime and the material position of the convict that shall be prescribed according to his/her property, income and other circumstances.
5. The court must point out in its judgment both the extent of daily payment and that of the awarded fine in lari.
6. Fine shall be awarded as additional punishment only in case provided under the relevant article of this Code.
7. If the convict maliciously avoids fine, the punishment shall be substituted for socially useful labour, corrective labour or restriction of freedom. In addition, the term during which the convict served the sentence shall be included into the term of socially useful labour, corrective labour or restriction of freedom as follows: one daily payment fine - four hours of socially useful labour, one day of corrective labour, one day of restriction of freedom. Along with the foregoing, in case of maliciously avoiding the socially useful labour, corrective labour or restriction of freedom in place of the fine, the letter shall be replaced with jail sentence or imprisonment in manner and to the extent hereunder provided for this type of punishment.

**Article 43. Deprivation of Right to Occupy a Position Or Pursue a Particular Activity**

1. Deprivation of the right to occupy a position or pursue a particular activity shall mean that the convict shall be forbidden to be assigned to a position in the civil service or local administration and self-administration bodies or pursue a professional or other activity.
2. Deprivation of the right to occupy a position or pursue a particular activity shall be awarded as main punishment for the term extending from one to five years and as additional payment - for the term extending from six months to three years.
3. Deprivation of the right to occupy a position or pursue a particular activity may be awarded as additional punishment even in case it is not provided for the perpetrated crime under the relevant article of this Code if the court, in consideration of the character, quality of the danger of the crime and personality of the criminal, deems it impossible to reserve him/her the right to occupy a position or pursue a particular activity.
3. In case of awarding socially useful labour or corrective labour as main

punishment as well as in case of suspended sentence, the term of the deprivation of the right to occupy a position or pursue a particular activity awarded as additional punishment shall be calculated upon the court judgment's entering into legal force. In case of awarding restriction of freedom, jail sentence, placing into disciplinary military unit as main punishment or in case of awarding imprisonment, the deprivation of the right to occupy a position or pursue a particular activity as additional punishment shall spread across the whole term of serving the listed main sentences and this term shall be calculated upon serving them.

**Article 44. Socially Useful Labour**

1. Socially useful labour shall mean free unpaid labour at the spare time of the convict. The type of socially useful labour shall be determined by the local self-administration body.
2. Socially useful labour shall be awarded for the term extending from twenty to four hundred hours. The duration of such daily labour shall be four hours. In case of converting the fine into socially useful labour, it may be awarded for a longer term.
3. If the convict refuses to perform socially useful labour or maliciously avoids it, this punishment shall be convertible into restriction of freedom, jail sentence or imprisonment. In this respect, the term during which the convict served this sentence shall be included into the term of restriction of freedom, jail sentence or imprisonment as follows: eight hours of socially useful labour - one day of restriction of freedom, jail sentence, imprisonment.
4. Socially useful labour shall in no way be awarded against the disabled of first and second groups, a pregnant woman, a woman having a child up to seven years, a person of pension age as well as a conscript military.

**Article 45. Corrective Labour**

1. Corrective labour shall be awarded for the term extending from one month to two years and must be served at the convict's place of work.
2. In case of awarding corrective labour, the sum of no less than five but not in excess of twenty percent of the amount prescribed under the judgment shall be deducted from the convict's salary and transferred into the national budget.
3. If the convict maliciously refuses to perform corrective labour, this sentence shall be converted into restriction of freedom, jail sentence or imprisonment. In this respect, the term during which the convict served this sentence shall be included into the term of restriction of freedom, jail sentence or imprisonment as follows: one day of corrective labour - one day of restriction of freedom; two days of corrective labour - one day of jail sentence; three days of corrective labour - one day of imprisonment.

**Article 46. Restriction of the Service of Military**

1. Restriction of the service of a military shall be awarded against a military for perpetrating the crime against military service as provided under the Special Part of this Code, as well as against a military convicted for other crime in place of the corrective labour prescribed under the relevant article of this Code.
2. Restriction of the service of a military shall be awarded for the term extending from three months to two years.
3. In case of awarding restriction of the service of a military, the sum not in excess of twenty percent of the amount prescribed under the judgment shall be deducted from the convict's salary and transferred into the national budget. During serving this sentence no promotion with respect to the position or military rank of the convict shall be admissible. The term of the sentence shall not be included into the term of the service to award him/her with the next military rank.

**Article 47. Restriction of Freedom**

1. Restriction of freedom shall mean the placement, without isolating from the

society, of the convict who has attained sixteen years by the moment of delivering a sentence, into a special institution - corrective center under supervision.

2. Restriction of freedom shall be awarded against:

a) the convict without previous conviction for premeditated crime - for the term extending from one to three years;

b) the convict for crime without due caution and circumspection - for the term extending from one to five years.

3. In case of converting socially useful labour or corrective labour for restriction of freedom, it may be awarded for the term not in excess of one year.

4. If the convict maliciously avoids restriction of freedom, this sentence shall be converted into imprisonment - for the term prescribed under the judgment on restriction of freedom. In this respect, the term during which the convict served this sentence shall be included into the term of imprisonment as follows: one day of restriction of freedom - one day of imprisonment.

5. Restriction of freedom shall not be awarded against the disabled of first and second groups, a pregnant woman, a woman having a child up to seven years, a person of pension age as well as a conscripted military.

#### ***Article 48. Jail Sentence***

1. Jail sentence shall mean a strict isolation of the convict from the society.

2. Jail sentence shall be awarded for the term extending from one to six months.

3. In case of converting socially useful labour, corrective labour or restriction of freedom into jail sentence, it may be awarded for the term not in excess of one month.

4. Jail sentence shall not be awarded against those who have not reached sixteen years by the moment of delivering the sentence, the disabled of first and second groups, a pregnant woman, a woman having a child up to seven years.

#### ***Article 49. Placement into Disciplinary Military Unit***

1. Placement into a disciplinary military unit shall be awarded against a conscripted military if he has not served the conscription term prescribed under the legislation by the moment of delivering a sentence.

2. Placement into a disciplinary military unit shall be awarded for the term extending from three months to two years, for perpetrating the crime against military service as well as when the character of the crime and the personality of the criminal allow that two years of imprisonment be converted into the placement into a disciplinary military unit for the same term.

3. In case of converting imprisonment into placement into a disciplinary military unit the term of being in the disciplinary military unit shall be calculated as follows; one day of imprisonment - one day of placement into a disciplinary military.

#### ***Article 50. Imprisonment for Specific Term***

1. Imprisonment for a specific term shall mean the isolation of the convict from the society and placement into the penitentiary institution prescribed under this Code.

2. Imprisonment for a specific term shall be awarded for the term extending from six to twenty years.

3. In case of converting corrective labour or restriction of freedom into imprisonment for a specific term, it may be awarded for the term not exceeding six months.

4. In case of summing up sentences according to the accumulation of crimes the maximum term of imprisonment shall not be in excess of twenty-five years and in case of summing up sentences according to the accumulation of convictions - thirty years.

**Article 51. Life Imprisonment**

1. Life imprisonment may be awarded only in case of especially grave crime.
2. Life imprisonment shall in no way be awarded against those who have not reached eighteen years by the moment of committing a crime or who have reached sixty years by the moment of delivering the sentence.

**Article 52. Types of Penitentiary Institutions for Those Sentenced to Imprisonment**

1. The sentence to be served by imprisonment shall be awarded:
  - a) in general regime institution against the one who is sentenced to imprisonment for premeditated misdemeanor or grave crime as well as against the one convicted of Crime without Due Caution and Circumspection;
  - b) in stringent regime institution against the one who is for the first time sentenced to imprisonment for any especially grave crime as well as in case of recidivism or dangerous recidivism if the convict has previously served the sentence for imprisonment;
  - c) in prison against those who are sentenced to life imprisonment in case of especially dangerous recidivism as well as in case of being sentenced to more than five years of imprisonment for especially grave crime.
2. The type of institution determined under the sentence may be changed by the court in compliance with the legislation of Georgia on sentence execution.

**CHAPTER XI. SENTENCING**

**Article 53. General Principles of Sentencing**

1. The court shall award a fair sentence against a criminal within the bounds prescribed under the relevant article of the Special Part of this Code and in consideration of the provisions of the General Part of the same Code. A more severe type of sentence may be awarded only in case the less severe type of sentence fails to insure the fulfillment of the purpose of the sentence.
2. A more severe sentence than the one prescribed under the relevant article of the Special Part of this Code may be awarded in accordance with the accumulated crimes and accumulated sentences as provided by Article 59 and 60 of the same Code. The basis for awarding a more lenient sentence than the one provided under the relevant article of the Special Part is determined by Article 55 of this Code.
3. When awarding a sentence, the court shall take into consideration the extenuating and aggravating circumstances of the crime, in particular, the motive and purpose of the crime, illegal will demonstrated in the action, character and extent of breach of obligations, manner of implementing the action, method employed and illegal consequence, past life of the criminal, his/her personal and economic conditions, behaviour after the action, especially willingness to effect restitution, reconcile with the victim.
4. If the article or part of the article of the Special Part of this Code provides for the extenuating and aggravating circumstances as *Corpus Delicti*, the same circumstance shall not be taken into consideration when awarding a sentence.

**Article 54. Sentencing in Case of Extenuating Circumstances**

1. If after perpetrating the crime the criminal appears and pleads guilty, acts in manner conducive to the detection of the crime and there are no aggravating circumstances, the term or extent of the crime shall in no way exceed the three fourths of the maximum term for the most severe crime provided under the relevant article or part of article of the Special Part of this Code.

**Article 55. Awarding More Lenient Sentence than Allowed by Law**

If there is a special mitigating circumstance, the court may, in consideration of the personality of the criminal, award a sentence beyond the lowest limit of the extent of sentence determined under the relevant article of this Code, or a more lenient sentence.

**Article 56. Awarding Sentence for Incomplete Crime**

1. When awarding a sentence for incomplete crime, consideration shall be given to the circumstances due to which the crime was not perpetrated to the end.
2. The term or extent of the sentence for staging the crime shall in no way exceed a half of the maximum term or extent of the most severe sentence prescribed for completed crimes under the relevant article or part of the article of the Special Part of this Code.
3. The term or extent of the sentence for the attempted crime shall in no way exceed three fourths of the maximum term or extent of the most severe sentence prescribed for completed crimes under the relevant article or part of the article of the Special Part of this Code.
4. Life imprisonment shall in now way be awarded for the staging of crime or attempted crime.

**Article 57. Awarding Sentence for Complicity in or Perpetration of Crime**

1. When awarding a sentence for complicity in or perpetration of the crime, consideration shall be given to the actual character and quality of the person's participation, the importance of the complicity in attaining the goal of the crime as well as its influence on the character and quality of the incurred or possible damage.
2. The extenuating or aggravating circumstance, which shall be applied to one of the accomplice or perpetrator, shall be taken into consideration only when awarding a sentence against this accomplice or perpetrator.

**Article 58. Awarding Sentence in Case of Recidivism**

1. In case of awarding a sentence for recidivism, dangerous recidivism or especially dangerous recidivism, consideration shall be given to the quantity and gravity of previously committed crimes, circumstances due to which the precautionary effect of the previously awarded sentences proved to be insufficient, as well as the gravity of the newly perpetrated crime.
2. The term of the sentence in case of recidivism shall in no way fall short of the half of the maximum term of the most severe punishment prescribed for perpetrated crime under the relevant article or part of the article of this Code, in case of dangerous recidivism - two thirds, in case of especially dangerous recidivism - three fourths.
3. If the article or part of the article of the Special Part of this Code refers to the previous conviction as the qualifying sign of the crime, as well as in case of special extenuating circumstances prescribed under Article 55 of this Code, when awarding a sentence for recidivism, dangerous recidivism or especially dangerous recidivism, the rule prescribed in Paragraph 2 of this article shall not be applied.

**Article 59. Awarding Sentence in Case of Cumulative Crime**

1. In case of cumulative crime the sentence shall be awarded for each particular crime.
2. If the cumulative crime consists of misdemeanors only, a more severe punishment shall overlap a less severe one when awarding a final sentence.
3. If the cumulative crime consists of dangerous or especially dangerous crimes, the punishments prescribed for this crime shall be accumulated partly or in whole when awarding a final sentence. In addition, the term of the imprisonment for a particular term awarded as a final sentence shall in no way be in excess of twenty-five years.
4. If the cumulative crime consists of a misdemeanor or a dangerous crime, or a misdemeanor and especially dangerous crime, a more severe punishment shall overlap a less severe one when awarding a final sentence or the punishments prescribed for these crimes shall be accumulated partly or in whole. In addition, the term of the awarded final sentence shall in no way be in excess of twenty years.

5. In case of cumulative crime, additional punishment may as well be awarded along with the main punishment. The term or extent of the final additional punishment awarded in case of partial or total accumulation shall in no way exceed the maximum term or extent prescribed for the foregoing type of punishment under General Part of this Code.

6. The sentence shall be awarded under the same rule if, after delivering the judgment, it is established that the convict is at fault with the other crime, too, which he/she had committed before the sentence was delivered with respect to the first case. On this occasion, the final sentence shall be the sentence which is served under the first sentence fully or partially.

**Article 60. Awarding Sentence in Case of Cumulative Conviction**

1. When awarding a sentence in case of cumulative conviction, the court shall sum up the sentence of the last conviction and the unserved part of the sentence of the prior conviction in part or in whole.

2. The term or extent of the sentence awarded under cumulative conviction, if it is more lenient than imprisonment, shall in no way exceed the maximum term or extent prescribed for the foregoing type of punishment under General Part of this Code.

3. The term of imprisonment awarded as final sentence under cumulative conviction shall not be in excess of thirty years.

4. The final sentence awarded under cumulative conviction shall be longer than the sentence awarded for the newly committed crime as well as the unserved term of the sentence awarded under prior conviction.

5. The summing up of additional sentences in case of cumulative conviction shall be carried out in manner prescribed under Paragraph 2 of Article 62 of this Code.

**Article 61. Accumulation of Sentences**

1. When partially or fully summing up sentences in case of cumulative crime or cumulative conviction, one day of imprisonment shall be convertible into:

- a) one day of jail sentence or one day of placement into a disciplinary military unit;
- b) two days of restriction of freedom;
- c) three days of corrective labour or restriction of the service of a military;
- d) eight hours of socially useful labour.

2. Fine or deprivation of the right to occupy a position or pursue a particular activity, in case of their adding to restriction of freedom, jail sentence, placement into a disciplinary military unit or imprisonment, shall be applied independently.

**Article 62. Calculation of Term of the Sentence and Credit for Service of Sentence**

1. The term of deprivation of the right to occupy a position or pursue a particular activity, corrective labour, restriction of the service of a military, restriction of freedom, jail sentence, placement into a disciplinary military unit and imprisonment shall be computed in months and years and the term of socially useful labour - in hours.

2. It is possible to calculate the term of the sentence in days in case of changing and summing up of the sentence, as well as credit for the service of the sentence referred to in Paragraph 1 of this article.

3. The time of detention pending trial shall be included into the term of the sentence in manner hereinafter appearing: one day of detention - one day of imprisonment, placement into a disciplinary military unit; two days of restriction of freedom; three days of corrective labour or restriction of the service of a military; eight hours of socially useful labour.

4. The time of detention before the effectiveness of the judgment awarded for the crime perpetrated abroad, as well as the time of serving imprisonment prescribed by the judgment in case of extraditing under Article 6 of this Code shall be credited as follows: one day for one day.

5. If fine or deprivation of the right to occupy a position or pursue a particular activity was awarded as main punishment against the person held in detention pending trial, the court shall commute the awarded sentence in consideration of the time of detention or shall completely release such person from it.

## **CHAPTER XII. CONDITIONAL SENTENCE**

### ***Article 63. Basis for Conditional Sentencing***

1. If the convict can be corrected without serving the awarded sentence of corrective labour, restriction of freedom, placement into a disciplinary military unit, jailing or imprisonment, the court shall rule that the awarded sentence be deemed to be conditional.
2. In case of conditional sentencing the court shall consider the basis for sentencing and expected effect of the conditional sentence.
3. Additional punishment may be awarded in case of conditional sentencing.

### ***Article 64. Probation Period***

In the existence of the basis prescribed under Article 64 of this Code, the court shall award a probation period throughout which the convict must not commit any new crime and must fulfill the obligation assigned. In case of awarding the imprisonment up to one year or any other lighter sentence, the probation period must be no less than one year and not in excess of three years; in case of awarding imprisonment up to five years - no less than one and not in excess of six years.

### ***Article 65. Assigning Obligation***

In case of conditional sentence, if there is any basis therefor, that court may assign the convict to meet certain obligations: not to change permanent place of residence without the permit of the probation service, not to establish relations with someone who may engage him/her in anti-public activities, not to visit a particular place, to support the family materially, to take a rehabilitation course to treat oneself from alcoholism, drug addiction, toxin addiction or venereal disease. The court may assign the convict any other obligation to the extent it is conducive to his/her correction.

### ***Article 66. Control and Relief***

1. The probation service shall exercise control and relief over the probationer. This service shall see to the person's fulfillment of the obligations assigned and, in case of their non-fulfillment, will notify the court forthwith thereon.
2. The function referred to in Paragraph 1 of this article in relation to a military probationer shall be exercised by the commanding authority of the military unit.
3. During the probation period the court may, at the petition of the body exercising control and relief over the probationer, fully or partly annul the obligation assigned to the probationer or assign new obligation thereto.

### ***Article 67. Nullification of Conditional Sentence and Extension of Probation Period***

1. If, after the expiration of no less than half of the probation period, the probationer proves that he/she is corrected, the court may, at the petition of the body exercising control and relief over the probationer, fully or partly quash the conditional sentence and remove the conviction of the convict from the record.
2. If the probationer has avoided the fulfillment of the obligations assigned and has violated public order for which he/she was subject to administrative punishment, the court may, at the petition of the body referred to in Paragraph 1 of this article, extend the probation period by at most one year.
3. If during the probation period the probationer systematically or maliciously refused to fulfill the obligations assigned, the court may, at the petition of the

body referred to in Paragraph 1 of this article, rule that the conditional sentence be quashed and the sentence prescribed by the conviction be administered.

4. If during the probation period the probationer committed a Crime without Due Caution and Circumspection, the question whether to quash the conditional sentence or leave it in force shall be settled by the court.

5. If during the probation period the probationer committed a crime of aforethought, the court shall quash the conditional sentence and award a sentence against the convict in manner prescribed under Article 61 of this Code. The same rule shall be applied to sentencing in case referred to in Paragraph 4 of this article.

## **SECTION FOUR. RELEASE FROM CRIMINAL LIABILITY AND SENTENCE**

### **CHAPTER XIII. RELEASE FROM CRIMINAL LIABILITY**

#### ***Article 68. Release from Criminal Liability Due to Effective Confession***

1. The person who has for the first time committed a crime for which the maximum sentence prescribed by the article or part of the article of the Special Part of this Code does not exceed two years of imprisonment, may be released from criminal liability if after the crime he/she voluntarily appeared and confessed to the crime, acted in manner conducive to the exposure of the crime and undid the damage.

2. The person who has committed another type of crime, may, in case of the circumstances referred to in Paragraph 1 of this article, be released from criminal liability if it is prescribed under the relevant article of the Special Part of this Code.

#### ***Article 69. Release from Criminal Liability Due to Reconciliation with Victim***

The person who has for the first time committed a crime for which the maximum sentence prescribed by the article or part of the article of the Special Part of this Code does not exceed two years of imprisonment, may be released from criminal liability if he/she reconciled with the victim.

#### ***Article 70. Release from Criminal Liability Due to the Change of Circumstances***

The wrongdoer may be released from criminal liability if it is established that the action is no longer illegal due to the change of circumstances.

#### ***Article 71. Release from Criminal Liability Due to Expiration of the Limitation***

1. The person shall be released from criminal liability if:

- a) two years have passed since the perpetration of the crime for which the maximum sentence prescribed by the article or part of the article of the Special Part of this Code does not exceed two years of imprisonment;
- b) six years have passed since the perpetration of any misdemeanor;
- c) ten years have passed since the perpetration of any grave offense;
- d) twenty-five years have passed since the perpetration of any especially grave offense.

2. The term of limitation shall cover the period from the day of wrongdoing before the effectiveness of the conviction. In case of committing another crime, the term of limitation shall be computed for each particular crime.

3. The flow of the limitation shall drop if the criminal escapes from the investigation or the court. On such occasion, the limitation shall be resumed upon the apprehension or appearance in court with the confession of guilt.

4. The question whether apply the limitation or not to the person convicted of life imprisonment, shall be settled by the court. If the court rules that the it is impossible to apply the limitation, life imprisonment shall be commuted to imprisonment for a particular term.



5. The limitation shall not be applied in cases provided by the International Treaty of Georgia.

6. The flow of the limitation shall drop as long as the person is protected by immunity.

## **CHAPTER XIV. RELEASE FROM PUNISHMENT**

### ***Article 72. Parole***

1. The person serving a sentence of corrective labour, restriction of the service of a military, restriction of freedom, placement into a disciplinary military unit, jailing or imprisonment, may be conditionally released before the expiration of the term if the court holds that completion of the sentence is no longer necessary for the correction of such person. Furthermore, the person may be fully or partly released from the additional sentence.

2. In case of parole, the court may assign the convict the obligations prescribed under Article 65 of this Code that the person must fulfill throughout the incomplete term of the sentence.

3. Parole shall be granted only in case the convict has actually served:

- a) no less than half of the sentence awarded for a misdemeanor;
- b) no less than two thirds of the sentence awarded for any grave offense;
- c) no less than three fourths of the sentence awarded for any especially grave offense;
- d) three fourths of the sentence awarded to the person previously released on parole but the parole was quashed under Paragraph 6 of this article.

4. The actual term of imprisonment served by the convict shall not fall short of six months.

5. The control over the behaviour of the person released on parole shall be exercised by the probation service or relevant authority and over the behaviour of a military serviceman - by the commanding authority of the military unit.

6. If, during the incomplete term, the convict:

- a) maliciously avoided the fulfillment of the obligations assigned thereto for the release on parole, the court may, at the petition of the bodies referred to in Paragraph 5 of this article, rule that parole be quashed and the incomplete term of the sentence be served;
- b) committed a Crime without Due Caution and Circumspection, the question on parole or leaving the sentence in force shall be settled by the court;
- c) committed a crime of aforethought, the court may award a sentence in accordance with the rule prescribed under Article 61 of this Code. The same rule shall be applied to sentencing for the perpetration of the Crime without Due Caution and Circumspection if the court rescinds the parole.

7. The convict may be released from life imprisonment if he/she actually served twenty-five years of imprisonment and if the court holds that it is no longer necessary for the convict to continue serving the sentence.

### ***Article 73. Commutation of Unserved Term***

1. The court may replace the undischarged prison term of the person convicted of misdemeanor with a less severe sentence in consideration of the convict's behaviour. Furthermore, the convict may be fully or partly released from serving the additional sentence.

2. Commutation of the undischarged term may be admissible only in case the convict has actually served at least one third of the awarded term of the sentence.

### ***Article 74. Release from Punishment Due to Illness***

1. The person who after the perpetration of the crime fell mentally ill so that he/she is no longer able to comprehend the actual character or illegitimacy of his/her action or guide it, shall be released from punishment and the one who is serving a sentence shall be released from further serving it. Coercive measure of medical character may be awarded to such persons.

2. The court may release the person from punishment who after committing

the crime fell ill with some serious disease that hinders the service of the sentence.

3. If the military serviceman who is serving a sentence in a disciplinary military unit, fell ill so that became unfit for military service, he shall be released from further serving of the sentence or the undischarged term may be commuted to a less severe sentence.

4. The persons referred to in Paragraph 1 or 2 of this article may, in case of recovery, be subject to criminal liability and sentenced if the limitation terms prescribed under Article 71 and 76 have not expired.

#### ***Article 75. Suspension of the Sentence for Pregnant Woman or Mother of Child under Seven***

1. If a pregnant woman or mother of the child under seven years is not sentenced to more than five years of imprisonment for a grave or especially grave offense, the court may suspend the sentence till the child becomes seven years old.

2. If the convict repudiates her child or dispenses with raising the child after having been prejudiced by the probation service, the court may, at the petition of this service, rescind the suspension of the sentence and send the convict to the place prescribed by the conviction to serve the sentence.

3. When the child reaches the age of seven, the court shall release the convict from the undischarged term or shall commute the undischarged term to a less severe sentence or shall make a decision on returning the convict to the relevant institution for serving the undischarged term of the sentence.

4. If the convict commits a new offense during the suspension of the sentence, the court shall sentence her in manner prescribed under Article 61 of this Code.

#### ***Article 76. Release from the Sentence Due to Limitation of Judgment of Conviction***

1. The convict shall be released from serving a sentence if the effective judgment of conviction was not executed within the below given time-frames:

- a) within two years after committing the crime for which the maximum sentence prescribed by the article or part of the article of the Special Part of this Code does not exceed two years of imprisonment;
- b) in case of convicting for another misdemeanor within six years;
- c) in case of convicting of any grave offense within six years;
- d) in case of convicting of any especially grave offense within fifteen years.

2. The flow of the limitation shall be dropped if the convict has avoided to serve the sentence. On such occasion, the flow of the limitation shall be resumed upon the apprehension or appearing with a confession of guilt. The term passed since the evasion of the sentence shall be included into the limitation.

3. The question whether the limitation must be applied to the person convicted of life imprisonment or not shall be settled by the court. If the court holds that the application of the limitation is inadmissible, life imprisonment shall be commuted to imprisonment for a particular term.

4. Limitation shall not be applied in cases provided by the International Treaty of Georgia.

### **CHAPTER XV. AMNESTY, PARDON, PREVIOUS CONVICTION**

#### ***Article 77. Amnesty***

1. Amnesty shall be declared by the Parliament of Georgia toward individually unspecified persons.

2. The criminal may be released from criminal liability under the act of amnesty and the convict may be released from the sentence or the sentence awarded against him/her may be commuted to a less severe sentence.

3. The act of amnesty may quash the previous conviction of the person who has served a sentence.

**Article 78. Pardon**

1. Pardon shall be administered by the President of Georgia toward individually unspecified persons.
2. The criminal may be released from criminal liability under the act of pardon and the convict may be released from the sentence or the sentence awarded against him/her may be commuted to a less severe sentence.
3. The act of pardon may quash the previous conviction of the person who has served a sentence.

**Article 79. Previous Conviction**

1. The convict shall have previous conviction upon the effectiveness of the judgment of conviction up to the extinction or removal of the conviction from the record. Previous conviction shall be taken into account when settling the question related to criminal liability, qualification of the crime and measures of criminal coercion.
2. The person released from punishment shall be regarded to have no previous conviction.
3. Previous conviction shall be extinct:
  - a) for the one sentenced conditionally - after the expiration of the probation period;
  - b) for the convict awarded with a less severe sentence than imprisonment;
  - c) for the convict sentenced to imprisonment for a misdemeanor;
  - d) for the convict sentenced to imprisonment for a grave offense;
  - e) for the convict sentenced to imprisonment for any especially grave offense.
4. If the convict was duly released before the expiration of his/her term or if his/her undischarged term was commuted to a less severe sentence, the term of extinction shall be respectively computed from the actually served term or from having served a less severe (main and additional) sentence.
5. If after serving the sentence the convict acted impeccably, the court may, at the application of such person, remove his/her previous conviction from the record before the expiration of the term of extinction.
6. The extinct or removed previous conviction shall not be taken into account when settling the question related to criminal liability, qualification of the crime and measures of criminal coercion.

**SECTION FIVE. JUVENILE CRIMINAL LIABILITY**

**CHAPTER XVI. PECULIARITIES OF JUVENILE CRIMINAL LIABILITY**

**Article 80. Age of Juvenile Offender**

1. In case of awarding or releasing criminal liability, the juvenile shall be the one who had become fourteen before the perpetration of the crime but had not reached eighteen.

**Article 81. Legal Coercion Applied to Juvenile Offender**

Punishment may be meted out and coercive measure of educative effect may be awarded against juvenile offenders.

**Article 82. Types of Punishment**

Listed below are the types of punishment that may be applied to juvenile offenders:

- a) fine;
- b) deprivation of the right to pursue a particular activity;
- c) socially useful labour;
- d) corrective labour;
- e) jail term;
- f) imprisonment for a particular term.

**Article 83. Fine**

Fine shall be awarded against a juvenile delinquent only in case he/she has independent salary or property whereby to pay the fine. The minimum extent of fine shall be five daily payment and maximum - two hundred daily payment. In case of accumulation of sentences the extent of the fine shall in no way exceed four hundred daily payment.

**Article 84. Deprivation of the Right to Pursue a Particular Activity**

Deprivation of the right to pursue a particular activity shall be awarded against a juvenile offender from one to three years in length.

**Article 85. Socially Useful Labour**

Socially useful labour shall be awarded against a juvenile offender from twenty to one hundred and sixty hours in length that shall be served by him/her when having spare time from studies and main employment. This punishment involves the performance of the work that drops within the ability of the juvenile. The term of such punishment for the juvenile up to fifteen years in age shall in no way exceed two hours per day and for the juvenile between the ages of fifteen and eighteen - three hours per day.

**Article 86. Corrective Labour**

Corrective labour shall be awarded against a juvenile offender for the term extending from two months to one year.

**Article 87. Jail Term**

Jail term from one to four months shall be awarded against a male juvenile offender who has become sixteen by the moment of delivering a sentence.

**Article 88. Imprisonment for Particular Term**

1. Imprisonment for the term not in excess of ten years shall be awarded against a juvenile offender that he/she will serve in an educative institution.
2. Imprisonment in excess of ten but not in excess of fifteen years may be awarded against the juvenile between the ages of sixteen and eighteen for any especially grave crime.

**Article 89. Sentencing**

When sentencing a juvenile offender, consideration shall be given to such offender's living and upbringing conditions, level of mental development, health condition, other personal peculiarities, influence of seniors along with the circumstances provided by Article 53 of this Code.

**CHAPTER XVII. RELEASE OF JUVENILE FROM CRIMINAL LIABILITY AND PUNISHMENT**

**Article 90. Release of Juvenile from Criminal Liability by Application of Coercive Measure of Educative Effect**

First-offender juvenile may be released from criminal liability if the court holds that it is advisable to correct the juvenile by application of a coercive measure of educative effect.

**Article 91. Types of Coercive Measure of Educative Effect**

1. The court may award the following coercive measures of educative effect:
  - a) caution;
  - b) transference under supervision;
  - c) assigning the obligation of restitution;
  - d) restriction of conduct;
  - e) placement into a special educative or medical-educative institution
2. More than one coercive measure of educative effect may be concurrently awarded against a juvenile delinquent. The length of the application of coercive measures of educative effect referred to in Sub-paragraphs "b" and "d" of Paragraph 1 of this article shall be determined by the body awarding these

measures.

3. If a juvenile systematically violates the terms provided by the coercive measure of educative effect, this measure shall be nullified at the petition of a specialized governmental authority and the materials shall be remitted to administer legal proceedings against such juvenile.

**Article 92. Caution**

Caution shall mean explaining the juvenile of the damage incurred by his/her action and the consequences of the repeated perpetration of the offense provided by this Code.

**Article 93. Transference of Juvenile under Supervision**

Transference of a juvenile under supervision shall mean assigning the parent or the person replacing the parent or a specialized governmental authority the obligation that the latter put educative pressure upon the juvenile and exercise control over his/her behaviour.

**Article 94. Assigning Obligation of Restitution**

The court shall assign the obligation of restitution to the juvenile offender in consideration of his/her property and relevant labour skills.

**Article 95. Restriction of Conduct**

1. The juvenile may be forbidden:
  - a) to visit a particular place;
  - b) to leave home at a particular time;
  - c) to go somewhere without the permit of a specialized governmental authority;
  - d) to use spare time in a particular way.
2. The juvenile may be assigned:
  - a) to resume studies in an educative establishment;
  - b) to take up work by the assistance of a specialized governmental authority.

**Article 96. Placement into Specialized Educative or Medical-Educative Institution**

1. The juvenile convicted of misdemeanor may be released from criminal liability if the court rules that the aims of the applied punishment shall be served by placing the juvenile into a special educative or medical-educative institution. The term of being in this institution shall in no way exceed the maximum term prescribed hereunder for juvenile offenses.
2. The placement of a juvenile into a special educative or medical-educative institution may be terminated even before the expiration of the term prescribed by Paragraph 1 of this article if no further application of this measure is necessary for correction. The prolongation of the placement of a juvenile into a special educative or medical-educative institution after the expiration of the term prescribed by Paragraph 1 of this article shall be admissible only to finish secondary education or professional training.

**Article 97.**

The court may release from punishment a juvenile convicted of a misdemeanor by application of the coercive measure of educative effect determined under Article 91 of this Code.

**Article 98. Parole**

The court may conditionally release a juvenile sentenced to corrective labour or imprisonment before expiration of the term if such juvenile has actually served:

- a) no less than one third of the term of the sentence awarded for misdemeanor;
- b) no less than two thirds of the term of the sentence awarded for a grave offense;
- c) no less than half of the term of the sentence awarded for any especially

grave offense.

**Article 99. Terms of Limitation**

In case of releasing a juvenile from criminal liability or punishment, the terms of limitation prescribed under Articles 71 and 76 shall be halved.

**Article 100. Term of Extinction of Conviction**

The conviction of the one who had committed a crime before he/she was eighteen years old shall be made extinct:

- a) a year after serving a sentence of imprisonment for a misdemeanor;
- b) three years after serving a sentence of imprisonment for any grave or especially grave offense.

**SECTION SIX. TYPES OF COERCIVE MEASURE OF MEDICAL CHARACTER, BASIS AND RULE OF THEIR APPLICATION**

**CHAPTER XVIII. COERCIVE MEASURE OF MEDICAL CHARACTER**

**Article 101. Basis for Awarding Coercive Measure of Medical Character**

1. The court may award a coercive measure of medical character if:
  - a) a person has committed the action provided by the Special Part of this Code under the condition of release from responsibility;
  - b) a crime is perpetrated under the condition of diminished responsibility;
  - c) a person became mentally ill after committing the offense which makes it impossible to award or execute a sentence;
  - d) it is necessary to treat a person for alcoholism or drug abuse.
2. The coercive measure of medical character shall be applied to the person referred to in Paragraph 1 of this article to the extent his/her mental condition poses a threat to such person per se or others or otherwise carries the threat of some other substantial prejudice.
3. The rule to administer the coercive measure of medical character shall be determined in compliance with the legislation of Georgia.
4. The court may remit the relevant material on the person referred to in Paragraph 1 of this article who is not dangerous with respect to mental condition to a healthcare authority that will settle the question related to the treatment or sending thereof to a psycho-neurologic institution.

**Article 102. Types of Coercive Measures of Medical Character**

1. The court may award the following coercive measures of medical nature:
  - a) dispensary mental treatment;
  - b) placement into a mental hospital under ordinary supervision;
  - c) placement into a mental hospital under increased supervision;
  - d) placement into a mental hospital under intensive supervision;
  - e) placement into a specialized narcological medical-prophylactic institution under increased supervision.
2. The court may, for wrongdoing under the condition of full responsibility, award a coercive measure of medical character along with the sentence against the convict who is in need of treatment from alcoholism, drug abuse or mental disease not excluding full responsibility.

**Article 103. Dispensary Mental Treatment**

Dispensary mental treatment may be awarded to the extent provided under Article 101 of this Code if it is not necessary to place a person in a mental hospital.

**Article 104. Coercive Treatment in Mental Hospital**

1. Coercive treatment in a mental hospital may be awarded to the extent provided under Article 101 of this Code if the character and gravity of the mental disease calls for the conditions of treatment, care, living and supervision that may be administered exclusively in a mental hospital.

2. Coercive treatment in a mental hospital under ordinary but not under increased supervision may be awarded to the one who due to mental condition is in need of treatment and supervision in a hospital.
3. Coercive treatment in a mental hospital under increased supervision may be awarded to the one who due to mental condition is in need of constant supervision.
4. Coercive treatment in a mental hospital under intensive supervision may be awarded to the one who due to mental condition poses a special threat to oneself and others and is in need of constant and intensive supervision.

***Article 105. Extension, Replacement or Termination of Coercive Measure of Medical Character***

1. The court shall extend, replace or terminate coercive measure of medical character at the petition of the administration of the institution carrying out coercive treatment, on the basis of the opinion submitted by the Psychiatrists' Commission.
2. The one awarded with coercive measure of medical nature shall for at least six months be examined by the Psychiatrists' Commission to decide whether there is any basis for filing the petition in court for the termination or replacement of such measure. If there is no such basis, the administration of the institution carrying out coercive treatment shall submit the opinion to the court on the extension of the coercive treatment. The coercive treatment may firstly be extended after the expiration of six months upon the beginning of the administration of the coercive measure of medical character and thereafter - annually.
3. The court shall replace the coercive measure of medical character if the change in person's mental condition allows to discontinue the application of the previously prescribed measures or prescribe any other necessary measure of medical character.
4. In case the coercive treatment in a mental hospital is discontinued, the court may transfer the relevant materials on the person under treatment to a healthcare authority that will settle the question related to the treatment or sending thereof to a psycho-neurologic institution as determined by the healthcare legislation.

***Article 106. Credit for Period of Application of Coercive Measure of Medical Character***

The period during which the person was prescribed to undergo treatment in a mental hospital due to post-crime mental disease, shall, in case of sentencing or resumption of its execution, be credited for the term of the sentence as hereinafter appearing: one day of being in a mental hospital - one day of imprisonment.

***Article 107. Coercive Measure of Medical Character Related to Execution of Sentence***

1. In cases provided by Paragraph 2 of Article 104 hereof, coercive measure of medical character shall be administered in the place of serving imprisonment and in case of other sentences - in the healthcare institution rendering mental assistance.
2. If the convict's mental condition has changed to the extent it is necessary to treat him/her in a mental hospital, the convict shall be placed in the mental hospital or in any other medical institution in compliance with the principle and rule determined under the healthcare legislation.
3. The period of being in the institution referred to in Paragraph 2 of this article shall be credited for the term of service of the sentence. If it is not necessary to further treat the convict in the foregoing institution, such convict shall be discharged in manner prescribed under the healthcare legislation.
4. The question related to the application of the coercive measure of medical character shall be settled by the court on the basis of the opinion submitted by the Psychiatrists' Commission.

## **SPECIAL PART**

### **SECTION SEVEN**

#### **CRIME AGAINST HUMAN BEING CHAPTER XIX. CRIME AGAINST LIFE**

##### ***Article 108. Premeditated Murder***

Premeditated murder,-  
shall be punishable by imprisonment extending from seven to fifteen years in length.

##### ***Article 109. Premeditated Murder under Aggravating Circumstance***

Premeditated murder:

- a) of two or more persons;
- b) of a pregnant woman at the previous knowledge of the criminal;
- c) related to the official activities or discharging of public obligations of the victim or his/her close relative;
- d) of a minor or a person in helpless condition knowingly by the criminal;
- e) related to kidnapping;
- f) under extreme violence;
- g) in manner deliberately presenting a treat to the life or health of other person;
- h) by a group;
- i) for mercenary purposes or by contract;
- j) maliciously;
- k) for the purpose of covering any other crime or facilitating its perpetration;
- l) due to racial, religious, national or ethnic intolerance;
- m) to transfer or otherwise use the member, part of the member of tissue of the victim's body;
- n) repeatedly (except for the murders provided for by Article 110-114 of this Code) -

shall be punishable by imprisonment for the term extending from ten to fifteen years.

*Note: "Close relative" applied herein shall mean "parent, adoptive parent, child, adopted child, grandfather, grandmother, grandchild, sister, brother, spouse.*

##### ***Article 110. Mercy-Killing***

Mercy-killing by the victim's insistence and at his/her true will, administered in order to free the dying person from strong physical pain -  
shall be punishable up to three years in prison.

##### ***Article 111. Premeditated Murder under Sudden Heat of Passion***

1. Premeditated murder under sudden heat of passion, grave offence or other grave immoral action against the criminal or his/her close relative, as well as by the psychological trauma resulted by the victim's repeated illegal or immoral action,-

shall be punishable by restriction of freedom up to three years in length or by jail sentence up to four months or by imprisonment extending from one to three years in length.

2. The same action perpetrated against two or more persons, -  
shall be punishable by imprisonment extending from two to five years in length.

##### ***Article 112. Infanticide with Malice Aforethought***

Premeditated murder of an infant by the mother during or immediately after deliveries, -  
shall be punishable by imprisonment up to five years in length.

##### ***Article 113. Manslaughter beyond Necessary Defense***



The manslaughter beyond the frames of necessary self-defense, - shall be punishable by up to two years of corrective labour, or up to three years of restriction of freedom, or by imprisonment to the same term.

**Article 114. Manslaughter beyond Measure Necessary for Catching Criminal**

The manslaughter perpetrated in manner which is beyond the measure necessary for catching a criminal, - shall be punishable by corrective labour up to two years or of restriction of freedom for up to three years in length or by imprisonment up to the same term.

**Article 115. Bringing to the Point of Suicide**

Bringing to the point of suicide or attempted suicide by intimidation or violent treatment or by systematically abusing the honour or dignity of the victim, - shall be punishable by up to three years of restriction of freedom or by imprisonment up to five years in length.

**Article 116. Manslaughter without Due Caution and Circumspection**

1. Manslaughter without due caution and circumspection, - shall be punishable by up to three years of restriction of freedom or by imprisonment similar in length.
2. The same action perpetrated against two or more persons, - shall be punishable by up to five years of restriction of freedom or by imprisonment up to six years in length.

**CHAPTER XX. CRIME AGAINST HEALTH**

**Article 117. Intentional Damage to Health**

1. Intentional damage to health, i.e. bodily injury which is dangerous for health or has given rise to the loss of eye-sight, hearing, speech or any organ or its function, psychic illness, miscarriage, irreparable face injury or such ill-health which is dangerous for life and is related to a major, no less than one third loss of general working ability or to a complete loss of professional working ability committed knowingly, - shall be punishable by imprisonment extending from one to eighth years in length.
2. The same action perpetrated:
  - a) against two or more persons;
  - b) against a pregnant woman at the previous knowledge of the perpetrator;
  - c) related to the official activities or discharging of public obligations of the victim or a relative thereof;
  - d) against a minor, person being in a helpless condition or a person dependent on the criminal materially or otherwise;
  - e) related to kidnapping;
  - f) under extreme violence;
  - g) in manner deliberately presenting a treat to the life or health of other person;
  - h) by a group;
  - i) for mercenary purposes or by contract;
  - j) maliciously;
  - k) for the purpose of covering up of the other crime or facilitating its perpetration;
  - l) due to racial, religious, national or ethnic intolerance;
  - m) to transfer or otherwise use the member, part of the member of tissue of the victim's body;
  - n) repeatedly;
  - o) by the one who has previously committed the murder referred to in Article 108 or 109 of this Code, - shall be punishable by imprisonment ranging from five to twelve years in length.

**Article 118. Less Serious Damage to Health on Purpose**

1. The less serious damage to health on purpose which poses no threat whatsoever to health and has not produced the consequences referred to in Article 117 of this Code but is related to a long-term impairment of health or to a major, less than one third loss of general working ability, - shall be punishable by corrective labour up to eighteen months in length or by restriction of freedom up to three years in length or by jail sentence of three months in length or by imprisonment for the term extending up to three years.

2. The same action committed under the aggravating circumstances provided by Article 117 of this Code or by the one who had previously perpetrated a serious damage to health on purpose or the murder referred to in Articles 108 and 109 of this Code, - shall be punishable by imprisonment up to five years in length.

**Article 119. Damage to Health Resulting in Death**

Intentional serious or less serious damage to health that, without due caution and circumspection, has resulted in death, - shall be punishable by prison sentences ranging from three to ten years in length.

**Article 120. Intentional Light Damage to Health**

Intentional light damage to health that has been corollary to its short-term rupture or a minor or slight loss of general working ability, - shall be punishable by fine or corrective labour of six months in length or by imprisonment for the term extending up to one year.

**Article 121. Intentional Serious or Less Serious Damage to Health under Sudden Mental Anxiety**

Intentional serious or less serious damage to health under sudden mental anxiety that was caused by the victim's illegal violence, grave offence, or other gross immoral action against the criminal or his/her close relative, as well as by the psychic trauma corollary to the repeated illegal or immoral actions of the victim, - shall be punishable by fine or by socially useful labor of eighty to two hundred and forty hours in length or jail sentence of two months in length or by imprisonment for the term extending up to two years.

**Article 122. Serious or Less Serious Damage to Health beyond Limits of Necessary Defense**

Serious or less serious damage to health beyond limits of necessary selfdefense, - shall be punishable by fine or by corrective labour not in excess of six months or by restriction of freedom for the term extending up to one year or by imprisonment similar in length.

**Article 123. Serious or Less Serious Damage to Health beyond Measure Necessary for Catching Criminal**

Serious or less serious damage to health beyond measure necessary for catching criminal, - shall be punishable by fine or by corrective labour not in excess of six months or by restriction of freedom for the term extending up to one year or by imprisonment similar in length.

**Article 124. Less Serious Damage to Health through Negligence**

1. Less serious damage to health through negligence, - shall be punishable by fine or corrective labour for the term extending up to two years or by jail sentence for the term not exceeding two months.  
2. Serious damage to health through negligence, -

shall be punishable by fine or by corrective labor for the term extending up to two years or by jail sentence for the term ranging from two to four years.

**Article 125. Assault and Battery**

Assault and battery or other violence that has caused a physical pain of the victim but has not been followed by the consequence referred to in Article 117 of this Code, -

shall be punishable by fine or by socially useful labour for the term of one hundred and twenty to one hundred and eighty hours or by corrective labour for the term not exceeding fifteen months or by jail sentence of up to two months in length.

**Article 126. Torture**

1. Regular beating or other violence that has resulted in the physical and psychical suffering of the victim but has not produced the consequence set out in Articles 117 or 118, -

shall be punishable by restriction of freedom for the term not exceeding two years or by prison sentences not in excess of three years in length.

2. The same action perpetrated:

- a) against two or more persons;
- b) against a pregnant woman at the previous knowledge of the criminal;
- c) in relation to the official activities of the victim or his/her close relative;
- d) against a minor, a person being in a helpless condition or the one being dependent on the perpetrator materially or otherwise;
- e) in relation to kidnapping;
- f) by contract;
- g) due to racial, religious, national or ethnic intolerance;
- h) by using official position, -

shall be punishable by imprisonment ranging from three to six years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term of three year or without it.

**CHAPTER XXI. EXPOSING LIFE OR HEALTH OF HUMAN BEING TO DANGER**

**Article 127. Exposing Human Life to Danger**

Exposing the life of a person to danger who can not take measures to protect oneself, -

shall be punishable by fine or by prison sentences not in excess of two years in length.

**Article 128. Leaving in Distress**

Leaving the person without assistance whose life was exposed to danger and who could not take measures to protect oneself, if the foresaker was obliged to take care of him/her and was able to help, -

shall be punishable by fine or by corrective labour for the term extending up to one year or by socially useful labour from one hundred and twenty to two hundred and forty hours or by jail sentence not in excess of three months in length.

**Article 129. Withholding Help**

Withholding necessary and explicitly urgent help from the person whose life is exposed to danger, if the offender was able to extend help without exposing oneself or others to serious danger, as well as non-informing of relevant institutions or person on the necessity for help, -

shall be punishable by fine or by corrective labour not in excess of six months in length.

**Article 130. Leaving Ill Person in Distress**

1. Medical worker's withholding urgent medical aid without good reason from

the person whose life is exposed to danger, -  
shall be punishable by fine or by corrective labour for the term not exceeding fifteen months or by jail sentence from two to three months in length, by deprivation of the right to occupy a position or pursue a particular activity for the term extending up to three months or without it.  
2. The same action committed through negligence which has seriously affected the health, or has claimed the life, of the ill person,-  
shall be punishable by imprisonment not exceeding three years, by deprivation of the right to occupy a position or pursue a specific activity for up to three years in length.

**Article 131. AIDS Contraction**

1. Running the risk of intentionally infecting the other person with AIDS,-  
shall be punishable by imprisonment for up to five years in length.  
2. Infecting the other person with AIDS on purpose, -  
shall be punishable by imprisonment for the term not in excess of eight years.  
3. Infecting the other person with AIDS through negligence in discharging one's professional obligation, -  
shall be punishable by imprisonment for the term not in excess of five years, by deprivation of the right to occupy a position or pursue a particular activity for up to three years in length.  
4. The action referred to in Paragraphs 2 or 3 of this Article which is perpetrated:  
a) against two or more persons;  
b) against a pregnant woman or a minor at the previous knowledge of the criminal, -  
shall be punishable by imprisonment for up to ten years in length, by deprivation of the right to occupy a position or pursue a particular activity for up to three years in length.

**Article 132. Infecting Especially Dangerous Infectious Disease**

1. Running the risk of infecting the other person with especially dangerous infectious disease, -  
shall be punishable by fine or by corrective labour for the term not in excess of six months or by imprisonment for up to one year in length.  
2. Contracting the other person with especially dangerous disease, -  
shall be punishable by fine or corrective labour for the term not exceeding one year or by prison sentences for up to two years in length.  
3. The action referred to in Paragraph 2 of this Article which is perpetrated:  
a) against two or more persons;  
b) against a pregnant woman or a minor at the previous knowledge of the criminal, -  
shall be punishable by fine or by imprisonment for the term not in excess of five years.

**Article 133. Illegal Abortion**

1. The illegal abortion, -  
shall be punishable by fine or by socially useful labour extending from one hundred to two hundred and forty hours or by corrective labour from one to two years in length.  
2. The same action perpetrated by the person previously convicted of illegal abortion or of something that, through negligence has resulted in the permanent loss of childbearing or has given rise to any other grave consequence,-  
shall be punishable by restriction of freedom for up to three years in length or by jail time up to three months in length or by imprisonment for the term not exceeding three years, by deprivation of the right to occupy a position or pursue a particular activity for up to three years in length.

**Article 134. Coercion into Taking Member, Part of Member or Tissue of Person**

1. Taking a member, part of member or tissue of a person against his/her will for the purpose of treatment, transplantation, experimentation or preparation of a medicine, -

shall be punishable by imprisonment for up to four years in length, by deprivation of the right to occupy a position or pursue particular activity for the term not exceeding three years or without it.

3. The same action perpetrated, at the previous knowledge of the criminal, against a pregnant woman, a minor, a person being in a helpless condition or the being materially or otherwise dependent on the criminal, -

shall be punishable by prison sentences ranging from two to five years in length, by deprivation of the right to occupy position or pursue a particular activity.

**Article 135. Illicit Sale of Blood or Blood Components**

The illicit sale of blood or blood components done for mercenary purposes, - shall be punishable by fine or by imprisonment for the term not exceeding one year.

**Article 136. Genetic Manipulation**

Genetic manipulation, i.e. creation of creatures looking like human beings, - shall be punishable by imprisonment for the term not in excess of three years.

**CHAPTER XXII. CRIME AGAINST SEXUAL FREEDOM AND INVIOABILITY**

**Article 137. Rape**

1. Rape, i.e. sexual intercourse through violence, threat of violence or abusing the helplessness of the victim, -

shall be punishable by imprisonment extending from three to seven years in length.

2. The same action perpetrated:

a) repeatedly;

b) by the one who had previously committed one of the offences set forth in Articles 138-141 of this Code, -

shall be punishable by prison sentences ranging from five to ten years in length.

3. Rape:

a) by a group;

b) of a pregnant woman or other person at the previous knowledge of the offender;

c) under extreme violence against the victim or other person;

d) by using one's official position;

e) that through negligence has resulted in the death of the victim;

f) that through negligence has been corollary to the victim's contraction of AIDS, serious rupture of health or other grave consequence, -

shall be punishable by imprisonment for the term extending from five to fifteen years in length.

4. Raping of a person under fourteen years, -

shall be punishable by imprisonment for the term extending from ten to twenty years.

**Article 138. Sexual Abuse under Violence**

1. Homosexuality, lesbianism or other sexual intercourse distorted in form committed under violence, threat of violence or abusing the helplessness of the victim, -

shall be punishable by prison sentences ranging from three to seven years in length.

2. The same action perpetrated:

a) repeatedly;

b) by the one who had previously committed any of the offences referred to in Articles 137, 138 and 141 of this Code;

c) against a pregnant woman or a minor at the previous knowledge of the offender, -

shall be punishable by imprisonment extending from five to fifteen years in length.

3. Sexual abuse under violence:

a) against the one who has not attained the age of fourteen years;

b) by a group;

c) that through negligence has resulted in the death of the victim;

d) that through negligence has been corollary to the victim's contraction of AIDS, serious health rupture or other grave consequence;

e) under extreme violence;

f) by using one's official position, -

shall be punishable by prison sentences ranging from ten to twenty years in length.

**Article 139. Coercion into Sexual Intercourse or Other Action of Sexual Character**

Coercion into sexual intercourse, homosexuality, lesbianism or other sexual contact under the threat of disclosing defamatory information or damaging property or by using one's material, official or other dependency, -

shall be punishable by fine or by corrective labour for the term not in excess of one year or by imprisonment for up to two years in length.

**Article 140. Sexual Intercourse or Other Action of Sexual Character with One under Sixteen**

Major's sexual intercourse, homosexuality, lesbianism or other sexual contact distorted in form at the previous knowledge of the offender with one under sixteen years, -

shall be punishable by restriction of freedom for the term not in excess of three years or by jail sentence for the term not exceeding three months or by imprisonment up to three years in length.

**Article 141. Perversion**

Perversion without violence at the previous knowledge of the offender with the one under sixteen years, -

shall be punishable by fine or by corrective labour for up to one years in length or by imprisonment for the term not in excess of two years.

**CHAPTER XIII. CRIME AGAINST HUMAN RIGHTS AND FREEDOMS**

**Article 142. Violation of Equality of Humans**

1. Violation of equality of humans due to their race, colour of skin, language, sex, religious belonging or profession, political or other opinion, national, ethnic, social, rank or public association belonging, origin, place of residence or material condition that has substantially prejudiced human rights, -

shall be punishable by fine or by corrective labour for the term not exceeding one year or by imprisonment for up to two years in length.

2. The same action committed:

a) by using one's official position;

b) that has produced a grave consequences, -

shall be punishable by fine or by corrective labour for up to one year in length, by deprivation of the right to occupy a position or pursue a particular activity for up to three years in length or without it.

**Article 143. Illegal Imprisonment**

1. Illegal imprisonment, -

shall be punishable by prison sentences ranging from four to eight tears in

length.

3. The same action:

- a) by a group's conspiracy;
- b) repeatedly;
- c) against two or more persons;
- d) by taking a victim abroad;
- e) against a pregnant woman, a minor or the one being in a helpless condition;
- f) against an official foreign representative or the one subject to international legal protection;
- g) in order to cover up other crime or facilitate its perpetration;
- h) under violence or threat of violence dangerous for life or health, - shall be punishable by imprisonment ranging from five to twelve years in length.

4. The action stipulated in Paragraphs 1 or 2 of this Article:

- a) by an organized group;
- b) that through negligence has claimed the life of the victim or has given rise to any other grave consequence, - shall be punishable by prison sentences ranging from eight to fifteen years in prison.

*Note: If, within 72 hours upon the illegal imprisonment of a person, the offender voluntarily sets him/her free, the offender shall be released from criminal liability if his/her action does not bear signs of any other crime and there is no complaint on the part of the victim.*

#### **Article 144. Kidnapping**

1. Hostage-taking which is aimed to coerce an organization or a person to or not to carry out this or that action by setting a condition that the hostage will be released, - shall be punishable by imprisonment ranging from five to ten years in length.

2. The same action perpetrated:

- a) by a group's conspiracy;
- b) repeatedly;
- c) against two or more persons;
- d) by taking the victim abroad;
- e) for longer than seven days;
- f) for mercenary purposes;
- g) against a pregnant woman, a minor or the one being in a helpless condition;
- h) against an official foreign representative or a person subject to international legal protection;
- i) under violence or threat of violence which is dangerous for life or health, - shall be punishable by imprisonment ranging from six to fifteen years in length.

3. The action referred to in Paragraph 1 or 2 of this Article:

- a) by an organized group;
- b) that through negligence has resulted in the death of the victim or has produced any other grave consequence, - shall be punishable by prison sentences ranging from eight to eighteen years in length.

*Note: If the offender, within 72 hours upon taking a person hostage, voluntarily sets him/her free so that the condition for releasing the hostage is not met, the offender shall be relieved of criminal liability if his/her action does not bear signs of any other crime and there is no complaint on the part of the victim.*

#### **Article 145. Provocation of Crime**

Provocation of crime, i.e. persuading others into committing a crime for the

purpose of his/her criminal prosecution, -  
shall be punishable by restriction of freedom for up to three years in length or  
by jail sentence for the term not in excess of six months or by imprisonment  
for up to four years in length.

**Article 146. Malicious Criminal Prosecution of Innocent Person**

1. Malicious criminal prosecution of an innocent person, -  
shall be punishable by prison sentences for up to five years in length, or by  
deprivation of the right to occupy a position or pursue a particular activity  
for the term not in excess of three years or without it.  
2. The same action if attached with the charge of a grave or especially grave  
offence, -  
shall be punishable by prison sentences ranging from three to ten years on  
length.

**Article 147. Malicious Illegal Arrest or Detention**

1. Malicious illegal arrest, -  
shall be punishable by restriction of freedom for up to two years in length  
or by jail time for up to two months in length or by imprisonment extending  
from four to eight years in length, by deprivation of the right to occupy a  
position or pursue a particular activity for the term up to three years or  
without it.  
2. Malicious illegal detention, -  
shall be punishable by prison sentences ranging from five to twelve years in  
prison.  
3. The action referred to in Paragraphs 1 or 2 of this Article that has produced  
a grave consequence, -  
shall be punishable by imprisonment ranging from eight to fifteen years in  
length.

**Article 148. Libel**

Libel of incrimination, -  
shall be punishable by fine or by socially corrective labour extending from one  
hundred to two hundred hours or by corrective labour for up to one year in  
length.

**Article 149. Illegal Placement or Arrest in Mental Hospital**

1. Illegal placement or arrest in a mental hospital, -  
shall be punishable by prison sentences up to five years in length.  
2. The same action:  
a) by using one's official position;  
b) that through negligence has resulted in the death of the victim or has  
produced any other grave consequence, -  
shall be punishable by prison sentences ranging from five to twelve  
years in length, by deprivation of the right to occupy a position or  
pursue a particular activity for the term up to three years or without it.

**Article 150. Coercion**

Illegal restriction of a person's freedom of action, i.e. his/her physical or  
mental coercion to perform or not to perform a particular action the  
performance or abstinence therefrom is his/her right, or coercion to  
experience pressure upon oneself against one's own will, -  
shall be punishable by fine or corrective labour for up to one year in length or  
by imprisonment similar in length.

**Article 151. Threatening**

The threat of death or damage to health or destroying property in case the  
person being threatened has reasonable fear that the threat will be carried  
out, -  
shall be punishable by fine or socially useful labour extending from one



hundred and twenty to one hundred and eighty hours in length or corrective labour for up to one year in length or by jail sentence for up to a three-month term.

**Article 152. Encroachment upon Right to Choose Place of Residence**

1. Illegally interfering the persons legally being on the territory of Georgia in exercising their right of free passage, right to freedom of residence across the whole territory of Georgia, right to leave the country as well as the right of the citizens of Georgia to enter Georgia that has resulted in a considerable damage, -

shall be punishable by fine or by corrective labour for up to six months in length or by imprisonment for up to one year in length.

2. The same action, committed under violence, threat of violence or by using one's own official position, -

shall be punishable by fine or by corrective labour for up to one year in length or by imprisonment for up to two years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

**Article 153. Encroachment upon Right to Freedom of Speech**

Illegal interference into exercising the right to freedom of speech or to receive and spread information that has resulted in a considerable damage or has been perpetrated by using one's official position, -

shall be punishable by fine or by corrective labour for up to one year in length or by imprisonment for up to two years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term up to three years or without it.

**Article 154. Illegal Interference into Professional Activity of Journalists**

1. Illegally preventing a journalists from carrying out his/her professional activities, i.e. his/her coercion into spreading or not spreading information, - shall be punishable by fine or socially useful labour from one hundred and twenty to one hundred and eighty hours in length or by corrective labour for up to a two-year term.

2. The same action perpetrated under violence, threat of violence or by using one's official position, -

shall be punishable by fine or jail sentence for up to a two-month term or by imprisonment for up to two years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term up to three years or without it.

**Article 155. Illegal Interference into Performing Religious Rite**

1. Illegal interference into performing worship or other religious rites or customs under violence or threat of violence or if it was done by insulting the religious feelings of a believer or servant of God, -

shall be punishable by fine or by corrective labour for up to one year in length or by imprisonment for up to a two-year term.

2. The same action committed by using one's official position, -

shall be punishable by fine or by restriction of freedom from one to five years in prison, by deprivation of the right to occupy a position or pursue a particular activity for the term up to three years or without it.

**Article 156. Persecution**

1. Persecution for speech, opinion, conscience, religious denomination, faith or creed or political, public, professional, religious or scientific pursuits, - shall be punishable by restriction of freedom for up to two years in length or by imprisonment similar in length.

2. The same action:

- a) under violence or threat of violence;
- b) by using one's official position;

c) that has resulted in a substantial damage, -  
shall be punishable by fine or by restriction of freedom for up to three months in length or by jail sentence for up to four years in length or by imprisonment for up to three years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term up to three years or without it.

**Article 157. Disclosure of Personal or Family Secrets**

1. Illegal obtaining, keeping or spreading of personal or family secrets, -  
shall be punishable by fine or by corrective labour for up to one year in length or by imprisonment similar in length.
2. Illegal use of personal or family secret or spreading thereof in the piece distributed in this or that way, by mass media or by making a public speech, -  
shall be punishable by fine or by corrective labour for up to one year in length or by imprisonment similar in length.
3. The action referred to in Paragraph 1 or 2 of this Article:
  - a) for mercenary purposes;
  - b) repeatedly;
  - c) by the one who was obliged to keep this information secret due to one's official position, professional activity or other circumstance;
  - d) that has resulted in a substantial damage, -  
shall be punishable by fine or by restriction of freedom for up to three months in length or by imprisonment extending for up to three years, by deprivation of the right to occupy a position or pursue a particular activity for the term up to three years or without it.

**Article 158. Disclosure of Secret of Private Conversation**

1. Illegal interception or wire interception of private conversation by using technical means, -  
shall be punishable by fine or by restriction of freedom for up to tow years in length or by imprisonment similar in length.
2. Illegal use or spread of the record of the private conversation received via technical means or the information of private conversation obtained via technical means, -  
shall be punishable by fine or by restriction of freedom for the term not in excess of three months or by prison sentences ranging from one to three years in length.
3. The action referred to in Paragraph 1 or 2 of this Article:
  - a) for mercenary purposes;
  - b) repeatedly;
  - c) that has resulted in a substantial damage;
  - d) by using one's official position, -  
shall be punishable by prison sentences ranging from two to five years in length, by deprivation of the right to occupy a position or pursue a particular activity for up to a three year term.

**Article 159. Disclosure of Privacy of Personal Correspondence, Telephone Conversations or Other Massage**

1. Illegal disclosure of the privacy of personal correspondence, or post, conversation received or transmitted over the telephone or other technical means or the message received or transmitted via telegraph, fax or other technical means, -  
shall be punishable by fine or by socially useful labour ranging from sixty to one hundred and twenty hours or by corrective labour for up to two years in length or by imprisonment similar in length.
2. The same action:
  - a) by mercenary purposes;
  - b) repeatedly;
  - c) by using one's official position;

d) that has caused a substantial damage, - shall be punishable by fine or by imprisonment for up to three years in length, by deprivation of the right to occupy the position or pursue a particular activity for up to three years in length.

**Article 160. Encroachment upon Inviolability of House or Other Possession**

1. Illegal intrusion into, search or any other action the house or other possession against the will of the owner that encroaches upon the inviolability of the house or other possession, - shall be punishable by fine or by corrective labour up to two years in length or by imprisonment similar in length.

2. The same action:

a) under violence or threat of violence;

b) that has caused a substantial damage, -

shall be punishable by fine or by imprisonment for up to three years in length.

3. The action referred to in Paragraph 1 or 2 of this Article which is perpetrated:

a) by a group;

b) by using one's official position or arms,-

shall be punishable by fine or by jail sentences ranging from two to five months in length, by deprivation of the right to occupy a position or pursue a particular activity for up to three years in length.

**Article 161. Encroachment upon Right to Assembly and Manifestation**

1. Illegal interference, under violence, threat of violence or by using one's official position, into exercising the right to hold an assembly or manifestation and participate therein, -

shall be punishable by fine or by corrective labour for up to one year in length or by imprisonment for the term not in excess of two years, by deprivation of the right to occupy a position or pursue a particular activity for up to three years in length.

2. The same action perpetrated by application of arms or that has provoked mass disorder, has claimed human life under negligence or has given rise to any other grave consequence, -

shall be punishable by imprisonment for up to five years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term up to three years in length.

**Article 162. Interference into Exercising One's Will in Elections, Referendum or Plebiscite**

1. Interference into exercising one's will in elections, referendum or plebiscite, -

shall be punishable by fine or by corrective labour for up to one year in length or by restriction of freedom for the term not exceeding two years or by imprisonment similar length.

2. The same action perpetration:

a) by deception;

b) by using one's official position or arms;

c) under violence or threat of violence;

d) by a group, -

shall be punishable by fine or by jail term for up to six months in length or by imprisonment for up to three years in length.

**Article 163. Interference into Works of Election or Referendum Commission**

Interference into the works of election or referendum commission that has resulted in the cancellation of elections, referendum or plebiscite or the voting process in a polling station, -

shall be punishable by corrective labour for up to two years in length or by detention for the term ranging from two to five months or by imprisonment for the term not exceeding four years.

**Article 164. Encroachment upon Right to Secret Voting, Miscounting of Votes or Incorrect Summing up of Elections Results**

Encroachment upon the privacy of voting of the participant of elections, referendum or plebiscite, falsification of documents of elections, referendum or plebiscite, intentional miscounting of votes, malicious summing up of elections results or intentional and incorrect assessment of the results of referendum or plebiscite by member of the election or referendum commission or by the person designated as attorney or surveyor into such commission, - shall be punishable by fine or by corrective labour for up to one year in length or by imprisonment for the term not in excess of two years.

**Article 165. Encroachment upon Right to Strike**

Illegal interference, under violence or threat of violence or coercing a person into withholding from going on strike by using material, official or other dependency, - shall be punishable by fine or by corrective labour for up to one year in length or by imprisonment for up to two years in length.

**Article 166. Obstruction to Creation of Political, Public or Religious Unions or Interference in Their Activities**

Illegal obstruction, under violence, threat of violence or by using one's official position, into creating political, public or religious unions or interference into their activities, - shall be punishable by fine or by corrective labour for up to one year term or by restriction of freedom for up to two years in length or by imprisonment similar in length.

**Article 167. Refusal to Provide Access to Information or Submitting Incorrect Information**

Illegally refusing to a person to provide him/her with information or documents or materials existing about him/her that directly involves his/her rights and freedoms, as well as submitting such information, documents or materials in incomplete and distorted for or otherwise interfering illegally into providing access thereto that has caused a substantial damage, - shall be punishable by fine or by corrective labour for up to one year in length, by deprivation of the right to occupy a position or pursue a particular activity for up to three years in length.

**Article 168. Encroachment upon Freedom of Work**

Encroachment upon freedom of work, i.e. interference under violence or threat of violence into any legitimate labour activity, - shall be punishable by fine or by corrective labour for up to one year in length or by imprisonment for the term not in excess of two years.

**Article 169. Violation of Labour Legislation**

Illegal dismissal from work, non-fulfillment of the court decision on the reinstatement to one's work or other substantial violation of the labour legislation, - shall be punishable by fine or by imprisonment for up to two years in length or by deprivation of the right to pursue a particular activity for up to three years in length or without it.

**Article 170. Breach of Labour Protection Rule**

1. Breach of safety standards or other norms of labour protection by the person responsible for the observance of this norm that through negligence has caused less grave or grave health injury, -

shall be punishable by fine or by corrective labour for up to one year in length or by imprisonment for the term not in excess of two years.

2. The same action that through negligence has caused the death of a person,

-

shall be punishable by prison sentences up to five years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term up to three years or without it.

3. The action referred to in Paragraph 1 of this Article that through negligence has caused the death of two or more persons, -

shall be punishable by prison sentences for up to seven years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term up to three years.

## **CHAPTER XXIV. CRIME AGAINST FAMILY AND MINOR**

### ***Article 171. Involving Minor into Anti-Public Activity***

1. Involving a minor into prostitution or other sexual perversion or persuading thereof into any other anti-public action, -

shall be punishable by socially useful labour for the term of one hundred and seventy to two hundred and forty hours or by corrective labour for the term not in excess of two years or by detention for three month term or by imprisonment for up to two years in length.

2. Involving a minor into abuse of intoxicant or any other medical substance,- shall be punishable by restriction of freedom for up to three years in length or by detention for the term not in excess of four months or by imprisonment for up to three years in length.

### ***Article 172. Minor Trafficking***

1. Buying of a minor or carrying out any other illegal deal in respect thereof for the purpose of adopting, -

shall be punishable by corrective labour for up to one year in length or by restriction of freedom for up to two years in length.

2. Purchase and sale of a minor ort carrying out any illegal deal in respect thereof, -

shall be punishable by prison sentences ranging from two to five years in length.

3. The action referred to in Paragraph 2 of this Article which is perpetrated:

a) repeatedly;

b) against two or more minors;

c) by a group;

d) by using one's official position;

e) in order to illegally take minor abroad;

f) in order to involve one in criminal or other anti-public activities;

g) in order to transplant or otherwise use a member, part of member or tissue of the victim, -

shall be punishable by imprisonment ranging from five to ten years in length.

4. The action referred to in Paragraph 2 or 3 of this Article that through negligence has claimed the life of a minor or has produced any other grave consequence, -

shall be punishable by prison sentences ranging from eight to fifteen years in length.

### ***Article 173. Breach of Rule on Adoption or Foster Care***

1. Breach of the rule on adoption or foster care that has caused a substantial damage, -

shall be punishable by fine or by corrective labour for up to two years in length or by jail sentence for up to three months in length or by imprisonment for the term not in excess of two months.

2. The same action committed by using one's official position, -

shall be punishable by fine or by jail sentence for up to three to six months in length or by imprisonment for the term not in excess of four years or by deprivation of the right to occupy a position or pursue a particular activity for the term up to three years or without it.

**Article 174. Changing a Babe**

Changing a babe for mercenary purpose or by any other malicious motive, - shall be punishable by fine or by imprisonment for up to five years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term up to three years or without it.

**Article 175. Disclosure of Secret of Adoption**

1. Disclosure of adoption secret without the adoptive parent's wish, - shall be punishable by fine or corrective labour for up to six months in length.

2. The same action:

a) by the one who is obliged to keep the fact of adoption as official or professional secret;

b) that has given rise to any grave consequence, - shall be punishable by fine or by restriction of freedom for up to three years in length or by imprisonment similar in length, by deprivation of the right to occupy a position or pursue a particular activity for up to three years in length.

**Article 176. Malicious Avoidance from Separate Maintenance**

Maliciously avoiding to pay the aliment awarded by court decision, - shall be punishable by fine or by socially useful labour from one hundred and twenty to two hundred and forty hours in length or by corrective labour for the term not in excess of one year.

**SECTION EIGHT**

**ECONOMIC CRIME**

**CHAPTER XXV. CRIME AGAINST PROPERTY**

**Article 177. Stealing**

1. Stealing, i.e. secretly taking possession of other's movable object for the purpose of illegal appropriation, - shall be punishable by fine or by restriction of freedom for up to three years in length or by imprisonment similar in length.

2. The same action:

a) by a group's conspiracy;

b) repeatedly;

c) that has caused a substantial damage, - shall be punishable by fine or imprisonment extending from two to six years in length.

3. Stealing perpetrated:

a) by an organized group;

b) in large quantities;

c) by illegally entering the house, place or storage facility;

d) by the one who was twice or more than twice convicted of illegal appropriation or extortion of other's movable object, - shall be punishable by prison sentences ranging from five to twelve years in length.

*Note: For the purpose of this chapter hereof, "large quantities" shall be the vale of the object exceeding ten thousand lari.*

*The offence provided by Articles 177-186 shall be repeated if it was preceded by the perpetration of any of the crimes stipulated by these Articles and Articles 224, 231, 237 and 264.*

**Article 178. Robbery**

1. Robbery, i.e. explicit seizure of other's movable object for the purpose of its misappropriation, -

shall be punishable by fine or by restriction of freedom from two to three years in length or by imprisonment for up to three years in length.

2. The same action:

a) by a group's conspiracy;

b) that has caused a substantial damage;

c) repeatedly;

d) under violence which is not dangerous for life or health or under threat of such violence, -

shall be punishable by prison sentences ranging from three to seven years in length.

3. Robbery perpetrated:

a) by an organized group;

b) in large quantities;

c) by illegally entering the house, place or storage facility;

d) by the one who was twice or more than twice convicted of misappropriation or extortion of other's movable object, -

shall be punishable by prison sentences ranging from six to twelve years in length.

**Article 179. Assault**

1. Assault, i.e. attack, for the purpose of misappropriation of other's movable object, perpetrated under violence endangering a person's life or health or under threat of such violence, -

shall be punishable by prison sentences ranging from three to ten years in length.

2. The same action committed:

a) by a group;

b) repeatedly;

c) by illegally entering the house, place or other storage facility;

d) in order to appropriate objects in large quantity;

e) by the one who was previously convicted of illegal appropriation or extortion of other's movable object, -

shall be punishable by prison sentences ranging from ten to fifteen years in length.

**Article 180. Forgery**

1. Forgery, i.e. taking possession of other's object for the purpose of illegal appropriation or receiving a property right through deception, -

shall be punishable by fine or by socially useful labour ranging from one hundred and seventy to two hundred hours in length or by jail sentence for the term not in excess of three months or by imprisonment for up to three years in length.

2. The same action:

a) by a group's conspiracy;

b) repeatedly;

c) that has caused a substantial damage;

d) by using one's official position, -

shall be punishable by fine or by imprisonment ranging from two to six years in length.

3. Forgery perpetrated:

a) by an organized group;

b) in large quantities;

c) by the one who has been twice or more than twice convicted of illegal appropriation or extortion of other's movable object, -

shall be punishable by prison sentences ranging from five to ten years in length.

**Article 181. Extortion**

1. Extortion, i.e. claiming other's object or property right or property use that is attached by the threat of using violence against the victim or victim's close relative or that of destroying or damaging their object or that of making a defamatory information public or spreading other such information that may substantially prejudice their rights, - shall be punishable by fine or by jail sentence for up to six months in length or by imprisonment for up to four years in length.
2. The same action perpetrated:
  - a) by a group;
  - b) repeatedly;
  - c) in order to receive property in large quantities;
  - d) by the one who has been twice or more than twice convicted of illegal appropriation or extortion of other's movable object, - shall be punishable by imprisonment for up to six months in length.

**Article 182. Misappropriation or Embezzlement**

1. Illegal appropriation or embezzlement of other's movable object, if this object was under legitimate possession or disposal of misappropriator or embezzler, - shall be punishable by fine or by restriction of freedom for up to three years in length or by imprisonment for the term not exceeding four years.
2. The same action:
  - a) by a group's conspiracy;
  - b) repeatedly;
  - c) that has caused a substantial damage;
  - d) by using one's official position,- shall be punishable by fine or by imprisonment ranging from two to seven years in length, by deprivation of the right to occupy a position or pursue a particular activity for up to three years in length.
3. The action referred to in Paragraph 1 or 2 of this Article, perpetrated:
  - a) by an organized group;
  - b) in large quantities;
  - c) by the one who has been twice or more than twice convicted of illegal appropriation or embezzlement of other's movable objects, - shall be punishable by prison sentences ranging from six to twelve years in length, by deprivation of the right to occupy a position or pursue a particular activity for up to three years in length.

**Article 183. Misappropriation of Object of Historical, Cultural, Scientific or National Value**

1. Misappropriation of the object of historical, cultural, scientific or national value, - shall be punishable by prison sentences ranging from six to ten years in length.
2. The same action perpetrated:
  - a) by a group;
  - b) repeatedly, - shall be punishable by prison sentences ranging from eight to fifteen years in length.

**Article 184. Illegal Car Stealing or Other Mechanical Vehicle Hijacking Without Purpose of Misappropriation**

1. Illegal stealing of a car or hijacking of a mechanical vehicle for the purpose of temporary use, - shall be punishable by fine or by jail sentence for up to four months in length or by imprisonment for the term not in excess of three years.
2. The same action perpetrated:
  - a) by a group;
  - b) repeatedly;



c) under violence not posing danger to life or health or under threat of such violence, -  
shall be punishable by prison sentences ranging from two to seven years in length.

3. The action referred to in Paragraph 1 or 2 of this Article, committed under violence not posing danger to life or health, or under threat of such violence, -  
shall be punishable by prison sentences ranging from four to eight years in length.

*Note: If the perpetrator voluntarily returns a car or other mechanical vehicle undamaged, the sentence against such perpetrator shall be halvened.*

#### **Article 185. Property Damage through Deception**

1. Damaging the property of the owner or possessor through deception which involves no criminal signs whatsoever referred to in Article 10 of this Code, -  
shall be punishable by fine or by socially useful labour from one hundred and twenty to one hundred and eighty hours or by corrective labour for the term not exceeding one year or by jail sentence for up to a four month term or by imprisonment for up to two years in length.

2. The same action:

a) by a group's conspiracy;

b) repeatedly;

c) that has caused a substantial damage, -

shall be punishable by fine or by imprisonment for up to three years in length.

3. The action referred to in Paragraph 1 or 2 of this article, perpetrated:

a) by an organized group;

b) in large quantities;

c) by the one who has been twice or more than twice convicted of misappropriation or extortion of other's movable object, -

shall be punishable by prison sentences ranging from two to five years in length.

#### **Article 186. Purchase or Sale of Illegally Obtained Object at Previous Knowledge**

1. Purchase or sale, at the previous knowledge of the wrongdoer, of an object obtained illegally, -

shall be punishable by fine or by socially useful labour extending from one hundred and eighty to two hundred hours in length or by corrective labour for the term not in excess of one year or by imprisonment for up to two years in length.

2. The same action, perpetrated:

a) by a group's conspiracy;

b) repeatedly;

c) against a car;

d) in large quantities;

e) by the one who has been twice or more than twice convicted of misappropriation or extortion of other's movable object, -

shall be punishable by fine or by detention from four to eight months in length or by imprisonment for the term not exceeding five years.

3. The action referred to in Paragraph 1 or 2 of this Article, perpetrated:

a) by an organized group;

b) by using one's official position, -

shall be punishable by prison sentences ranging from twice to seven years in length.

#### **Article 187. Damaging or Destruction of Object**

1. Damaging or destruction of other's object that has caused a substantial injury, -

shall be punishable by fine or by socially useful labour from one hundred

to one hundred and eighty hours or by detention for up to two months in length or by imprisonment for up to a two-year term.

2. The same action, perpetrated by setting fire, explosion or by any other universally dangerous means, - shall be punishable by prison sentences ranging from four to eight years in length.

3. The action, referred to in Paragraph 1 of this Article that through negligence has caused a person's death or has given rise to any other grave consequence, - shall be punishable by prison sentences ranging from six to fifteen years in length.

***Article 188. Damaging or Destruction of Object through Negligence***

1. Damaging or destroying other person's object through negligence that has resulted in a substantial injury, -

shall be punishable by fine or by corrective labour for up to one year in length or by imprisonment for the term not in excess of two years.

2. The same action involving a negligence in dealing with fire or any other source of increased danger, - shall be punishable by fine or by corrective labour for up to two years in length or by restriction of freedom for the term not exceeding three years or by imprisonment similar in length.

***Article 189. Encroachment Upon Right of Intellectual Property***

1. Misappropriation of copyright or any other allied right similar thereof on other person's scientific, literary or arts piece, invention, useful model, industrial pattern or other result of intellectual-creative, as well as illegal multiplication for distribution purposes, distribution, disposal, public performance, import, export or otherwise use of such piece without a prior consent of the author, other person possessing copyright, or the right allied thereof, -

shall be punishable by fine or by corrective labour for up to two years in length.

2. Illegal use or other illegal application of the result of other person's intellectual-creative activity that is an object of copyright or the right allied thereof, or disclosure of information on invention, useful model or industrial pattern without a prior consent of the author or other person possessing copyright, - shall be punishable by fine or by restriction of freedom for up to two years in length.

3. The action referred to in Paragraph 1 or 2 of this article, perpetrated repeatedly or that has substantially prejudiced the interest of the author, other person possessing copyright or the right allied thereof, as well as coercion into co-authorship, - shall be punishable by restriction of freedom for up to three years in length or by imprisonment similar in length.

**CHAPTER XXVI. CRIME AGAINST ENTREPRENEURIAL OR OTHER ECONOMIC ACTIVITY**

***Article 190. Interference into Legal Entrepreneurial Activity***

Unfounded refusal to enterprise registration or grant a special permit (license), or restriction of its right and freedom of economic activity, as well as involvement into its activity that has caused a substantial damage, - shall be punishable by fine or by socially useful labour from one hundred and twenty to one hundred and eighty hours in length or by jail sentence for up to a three-month term, by deprivation of the right to occupy a position or pursue a particular activity for up to three years in length.

***Article 191. Illegal Registration of Land-Related Deals***

Illegal registration of a land-related deal, distribution of the registered data of state land cadastre, or reduction of land tax for mercenary purposes or by other personal motives, - shall be punishable by fine or by socially useful labour from one hundred and twenty to one hundred and eighty hours in length or by jail sentence for up to a three-month term, by deprivation of the right to occupy a position or pursue a particular activity for up to three years in length.

**Article 192. Illicit Entrepreneurial Activity**

1. Entrepreneurial activity without registration or special permit (license) or in breach of licensing terms that has caused a substantial damage or that involved generation of income in large quantities, - shall be punishable by fine or jail sentence for up to a four-month term or by imprisonment for up to two years in length.

2. The same action, perpetrated:

a) by a group;

b) repeatedly;

c) by the person convicted of such offence, -

shall be punishable by fine or by imprisonment for up to five years in length.

**Article 193. False Entrepreneurship**

False entrepreneurship, i.e. creation of enterprise without purpose of entrepreneurial activity, intended to conceal the receipt of credit or any other material profit or prohibited activity, that has caused a substantial damage, - shall be punishable by fine or by imprisonment for up to three years in length, by deprivation of the right to occupy a position or pursue a particular activity for up to three years in length.

**Article 194. Legalization of Illicit Income**

1. Legalization of illicit income, i.e. giving a legal form to money or other property, as well as concealing the source, location, allotment, circulation of illicit income, the actual owner or possessor of property or property right, - shall be punishable by fine or by imprisonment for up to five years in length.

2. The same action:

a) by a group;

b) repeatedly;

c) by using one's official position;

d) involving generation of income in large quantities, -

shall be punishable by imprisonment for up to ten years in length and by fine.

**Article 195. Monopolistic Activity and Restriction of Competition**

1. Monopolistic activity and exercising monopoly in setting high or low prices as well as restriction of competition by way of market division, retaining of influence on the market, expelling other subject of economic activity from the market or establishing or retaining of common market price, - shall be punishable by fine or by jail sentence for up to a three-year term or by imprisonment for up to two years in length.

2. The same action, perpetrated:

a) by a group;

b) repeatedly, -

shall be punishable by fine or by imprisonment for up to four years in length.

3. The action, referred to in Paragraph 1 or 2 of this article, perpetrated under violence or by threat of violence as well as by damaging or destroying other person's object or by threat of damaging or destroying it, if there are signs of extortion, -

shall be punishable by prison sentences ranging from three to seven years

in length and by fine.

**Article 196. Illegal Application of Trade (Service) Mark**

1. Illegal use of other's trade (service) mark or corporate name, illicit marking of goods or incorrect reference to the place of production that has caused a substantial damage, -

shall be punishable by fine or by corrective labour for up to two years in length.

2. Illegal use of the trade (service) mark not registered in Georgia or breach of right to use the name of place of origin or geographical reference of the product, that has caused a substantial damage,-

shall be punishable by fine or by socially useful labour from one hundred and twenty to one hundred and eighty hours in length or by corrective labour for up to one year in length.

3. The action, referred to in Paragraph 1 or 2 of this article, perpetrated repeatedly,-

shall be punishable by restriction of freedom for up to three years in length or by jail sentence for up to a four-month term or by prison sentences up to three years in length and by fine.

**Article 197. Falsification**

1. Falsification, i.e. altering the specifications of an object through deception, perpetrated for mercenary purposes, -

shall be punishable by fine or by corrective labour for up to two years in length or by imprisonment from one to three years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

2. The same action perpetrated repeatedly, -

shall be punishable by restriction of freedom for up to a three-year term or by prison sentences from three to five years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

3. The action referred to in Paragraph 1 or 2 of this article that has exposed a person's life or health to danger or that through negligence has claimed human life, -

shall be punishable by restriction of freedom ranging from five to ten years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

**Article 198. Manufacturing, Import and Sale of Products Hazardous for Human Life or Health**

1. Manufacturing, import or sale of products hazardous for human life or health or illegal application of labels, -

shall be punishable by fine or by corrective labour or restriction of freedom for up to a three-year term or by imprisonment extending for up to five years in length.

2. The same action that has produced a grave consequence, -

shall be punishable by fine or by restriction of freedom for the term not in excess of two years.

**Article 199. Illegal Use of Eco-Stamp**

Illegal use of eco-stamp that has caused a substantial damage, -

shall be punishable by fine or restriction of freedom for up to two years in length.

**Article 200. Production, Keeping, Sale or Freight of Excise Goods Subject to Stamping without Excise Stamps**

1. Production, keeping, sale or freight of the excise goods subject to stamping without excise stamps. -

shall be punishable by fine or by restriction of freedom for up to a threeyear

term or by jail sentence for the term not exceeding three months or by imprisonment for up to two years in length.

2. The same action, perpetrated:

a) repeatedly;

b) in large quantities,-

shall be punishable by fine or by jail sentence for up to a five month term or by prison sentences ranging from one to three years in length.

3. The action referred to in paragraph 1 or 2 of this article involving especially large quantities,-

shall be punishable by prison sentences ranging from five to ten years in length.

*Note:*

1. *Criminal liability for the action referred to in Paragraph 1 of this article shall arise if the value of the goods subject to mandatory excise stamping exceeds two thousand lari.*

2. *For the purpose of this article, "large quantities" shall mean the value of goods ranging from two thousand to ten thousand lari, the value of goods exceeding ten thousand lari shall be construed as "especially large quantities".*

#### **Article 201. Misrepresentation**

Intentional deception of a customer, by one who orders, produces or spreads advertisement, which has caused a substantial damage, -

shall be punishable by fine or by corrective labour for up to one year in length or by jail sentence for up to a three-month term or by imprisonment for the term not in excess of one year.

#### **Article 202. Illegal Gathering or Spreading of Information Containing Commercial or Bank Secrets**

1. Illegal gathering of information containing commercial or bank secrets for the purpose of illegal spreading or illegal application thereof, -

shall be punishable by fine or by corrective labour for up to one year in length or by jail sentence for up to a two month term, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

2. Illegal disclosure of the information containing commercial or bank secrets or using thereof for mercenary purposes or on any other personal motive, that has caused a substantial damage, -

shall be punishable by fine or by restriction of freedom for up to a threeyear term or by imprisonment for the term not exceeding four years, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of five years or without it.

#### **Article 203. Bribing Participant or Organizer of Professional Sports Competition or Commercial-Spectacular Contests**

1. Bribing, a participant, referee, coach, team leader or organizer of sports competition, as well as an organizer of commercial-spectacular event or a member of the jury, intended to influence the result of the competition or consent, -

shall be punishable by socially useful labour from one hundred and twenty to one hundred and eighty hours in length or by corrective labour extending from six months to one year or by jail sentence for up to two months in length.

2. The same action, committed:

a) by an organized group;

b) repeatedly,-

shall be punishable by restriction of freedom for up too three years in length or by imprisonment for the term not in excess of five years.

3. Illegally receiving money, securities, or any other property or enjoying property service by a participant of professional sports competition

intended to influence the result of the competition or contest, - shall be punishable by imprisonment for up to two years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

4. Illegally receiving money, securities or other property or enjoying property services by a referee, coach, team leader or organizer, or an organizer or member of the jury of a commercial-spectacular contest, intended to influence the result of the competition or contest,- shall be punishable by fine or by jail sentence for up to a three-year term, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

*Note: Criminal liability shall be lifted up from the person who voluntarily declares to a governmental authority that he/she has given money, securities or other property or has rendered property service to one of the persons referred to in Paragraph 1 of this Article.*

**Article 204. Breach of Rule on Ledger Maintenance**

Breach of the rule on keeping a ledger or any other document reflecting economic activity, - shall be punishable by fine or by imprisonment for up to two years in length.

**Article 205. Illicit Practices in Case of Bankruptcy**

In case of insolvency of heavy indebtedness, disposal or concealment of the part of the property, to make it inaccessible for a creditor, that, in case of administering bankruptcy procedures, would have fallen in the bankruptcy mass, as well as damaging, rendering unfit or destruction thereof in contempt of the requirements for efficient management of economy,- shall be punishable by fine or by imprisonment for up to three years in length.

**Article 206. Breach of Rule on Ledger Maintenance in Case of Bankruptcy**

Breach of rule on ledger maintenance in case of insolvency or heavy indebtedness that has complicated the evaluation of the actual property condition,- shall be punishable by fine or by imprisonment for up to three years in length.

**Article 207. Non-submitting of Application in Case of Bankruptcy**

Non-submitting of application for the commencement of bankruptcy procedures by a person having a supervising authority or by a liquidator, - shall be punishable by fine or by corrective labour for up to one year in length or by imprisonment similar in length.

**CHAPTER XXVII. CRIME IN CREDIT SYSTEM**

**Article 208. Illegal Obtaining of Credit**

1. Presenting a false information to the bank or other creditor on economic position of financial standing aimed to obtain or increase the volume of credit or obtain a soft loan, as well as undue utilization of a target-oriented credit, that has caused a substantial damage,- shall be punishable by fine or by jail time ranging from two to four months in length or by imprisonment for the term not in excess of four years.

2. Illegal use of the state target-oriented credit or undue application thereof that has caused a substantial damage, - shall be punishable by fine or by jail time from three to six months in length or shall carry prison sentences ranging from two to five years in length.

**Article 209. Breach of Rule on Forging and Use of State Seal Indicating the Hallmark of Precious Metals**

1. Illegal forging, use or sale of the state seal of precious metals marker or

forging the state seal for mercenary purposes or by any other personal motives, -  
shall be punishable by fine or by corrective labour for up to two years in length.

2. The same action, committed:

a) by a group;

b) repeatedly, -

shall be punishable by fine or by jail time up to five months in length or shall carry a prison sentence up to three years in length.

**Article 210. Forging or Use of Credit or Settlement Card**

1. Forging in order to use or use of the credit or settlement card, other settlement document or the document certifying property rights which is not a security, -

shall be punishable by fine or by corrective labour for up to two years in length or by restriction of freedom for the term not in excess of three years or shall carry prison sentences from two to four years in length.

2. The same action, perpetrated:

a) by a group;

b) repeatedly, -

shall be punishable by fine or by a jail time extending from three to six months in length or by imprisonment ranging from three to seven years in length.

**Article 211. Abuse of Check or Credit Card**

Abuse of a check or a credit card that has inflicted a substantial damage to the person accepting it, -

shall be punishable by fine or shall carry a prison sentence for up to three years in length.

**Article 212. Counterfeiting Money or Security or Using Thereof**

1. Counterfeiting bank notes, metal coins, securities or currency in order to use or using thereof, -

shall carry prison sentences ranging from three to seven years in length.

2. The same action, perpetrated:

a) in large quantities;

b) by the one previously convicted of such crime, -

shall carry prison sentences ranging from seven to twelve years in length.

3. The action referred to in Paragraph 1 or 2 of this article committed by an organized group, -

shall carry prison sentences ranging from seven to fifteen years in length.

4. Illicit production, purchase, keeping or freight for sales purposes or sale of any kind of printing form, matrix paper, paint or other object or material used in making counterfeit banknotes, metal coins, securities or currency, -

shall be punishable by imprisonment for the term not in excess of five years.

**Article 213. Breach of Rule on Securities Market**

1. Malicious public offering of securities without due permit and without emission prospect or under suspended emission prospect that has caused a substantial damage, -

shall be punishable by fine or by corrective labour for up to two years in length or by imprisonment for the term not in excess of three years.

2. Intentional omission of a substantive fact or event in the emission prospect that has caused a substantial damage, -

shall be punishable by fine or by corrective labour for up to two years in length or by imprisonment for the term not in excess of three years.

**CHAPTER XXVIII. CRIME IN FINANCIAL ACTIVITIES**

**Article 214. Breach of Customs Procedures**

1. Inflow or outflow of a large quantity of movable objects across the customs border of Georgia, done without customs control or in secret, involving deceptive use of a document or customs identifications instrument, false data in the declaration or misuse of the official position by a customs officer or a person equal thereto,-

shall be punishable by imprisonment for up to five years on length.

2. Inflow or outflow, in contempt of procedures, of poisonous, hazardous, radioactive or explosive material, arms, explosive device, fire-gun, ammunition or military equipment, nuclear, biological, chemical or other weapons of mass destruction, the material or equipment that may be used to manufacture weapons of mass destruction, raw material of strategic importance, the object, piece of art, precious metal, jewelry made of precious metal, jewelry scrap bearing art, historic, archeological value and belonging to the people of Georgia or other foreign country, across the customs border of Georgia,-

shall be punishable by prison sentences ranging from five to ten years in length and by fine.

3. The action, referred to in Paragraph 1 or 2 of this Article, perpetrated:

a) repeatedly;

b) under violence against the officer exercising customs control,-

shall be punishable by fine or by prison sentences ranging from seven to twelve years in length.

4. The action, referred to in Paragraph 1, 2 or 3 of this Article, committed by an organized group, -

shall be punishable by prison sentences ranging from ten to fifteen years in length and by fine.

*Note: for the purpose of this article, large quantity shall mean the value of an object in excess of five thousand lari.*

**Article 215. Non-return of Object Bearing Art, Historic or Archeological Value and Belonging to People of Georgia or Other Foreign State to Georgia**

Failure to return, within set time-frames, the object taken abroad which bears art, historic or archeological value and belongs to the people of Georgia or any other foreign state,-

shall be punishable by fine or by imprisonment for up to five years n length.

**Article 216. Breach of Rule on Use of National Currency Being in Circulation on Territory of Georgia**

1. Breach of the rule on the use of the national currency being in circulation on the territory of Georgia which has caused a substantial damage,- shall bear legal consequence in fine, deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

2. The same action committed:

a) by a group;

b) by the one previously convicted of such offence,-

shall be punishable by fine or by jail time up to three months in length or by imprisonment for up to three years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

**Article 217. Non-return of Sum in Foreign Currency from Abroad**

Non-return of the sum in foreign currency from abroad, if under the legislation of Georgia it is binding to transfer it to the account of the authorized bank of Georgia, that has caused a substantial damage,-

shall be punishable by fine or by imprisonment for up to three years in length.



**Article 218. Tax Evasion**

1. Tax evasion in large scales, - shall be punishable by fine or by imprisonment for up to three years in length.

2. The same action committed:

a) repeatedly;

b) in especially large quantities,-

shall bear legal consequence in fine or imprisonment for up to five years in length.

*Note: for the purpose of this article, "in large scale" shall mean unpaid amount from two thousand to ten thousand lari and "especially large quantities" shall be constructed as unpaid amount in excess of ten thousand lari.*

**Article 219. Deception of Customer**

1. Deception of a customer in measurement, weight or charge, or causing the latter to have erroneous concept on the service character or quality of product, or otherwise deceiving a customer while offering service, that has caused a substantial damage, - shall be punishable by fine or by corrective labour from one to two years in length.

2. The same action, committed:

a) by a group's conspiracy;

b) in large quantities;

c) by the one previously convicted of such crime, -

shall be punishable by fine or by imprisonment for up to two years in length.

**CHAPTER XXIX. CRIME IN PREJUDICE OF INTERESTS OF ENTERPRISE OR OTHER ORGANIZATION**

**Article 220. Abuse of Authority**

Abuse of managing, representative or other special authority in an enterprise or other organization to the detriment of the legal interests of this organization, designed to derive profit or privilege for oneself or others, that has caused a substantial damage,-

shall be punishable by fine or by corrective labour for up to a two-year term or by jail time for up to six months in length or by imprisonment for the term not in excess of five years.

**Article 221. Commercial Bribe**

1. Illegal transference of money, securities or other property or property service illegally rendered to a person exercising managing, representative or other special authority in an enterprise, or any other organization, so that such person use his/her official position in favour of the briber's interests, - shall be punishable by fine or by restriction of freedom for up to a twoyear term or by imprisonment for the term not excess of three years, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years in length or without it.

2. The same action, committed:

a) by a group;

b) repeatedly,-

shall be punishable by fine or by restriction of freedom for up to a four months term or by jail time from two to six months in length or by imprisonment for the term not excess of four months, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years in length.

3. Illegally accepting money, securities, or any other property or illegally enjoying property service by a person exercising managing, representative or other special authority in an enterprise or any other organization so that

such person use his/her official position in favour of a briber's interests,- shall be punishable by fine or by restriction of freedom for up to a three year term or by imprisonment for the term not in excess of five years, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years in length.

4. The action referred to in Paragraph 3 of this Article, perpetrated:

a) by a group;

b) through extortion,-

shall be punishable by fine or by imprisonment for up to five years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years in length.

*Note: The perpetrator of the actions referred to in Paragraph 1 or 2 of this Article shall be released from criminal liability if he/she was extorted of his/her property or he/she voluntarily informed a government authority thereon.*

## **SECTION NINE**

### **CRIME AGAINST PUBLIC SECURITY AND ORDER**

#### **CHAPTER XXX. CRIME AGAINST PUBLIC SECURITY AND ORDER**

##### ***Article 222. Storming and Blocking of Television and Radio Broadcasting Establishment or Object of Strategic or Special Importance***

1. Storming and blocking of television and radio broadcasting establishment or object of strategic or special importance that has disrupted or could have disrupted a normal pace of functioning of such establishment or object,- shall be punishable by fine or by corrective labour for up to one year in length or by jail time for up to two months in length or by imprisonment for the term not in excess of two years.

2. The same action perpetrated:

a) by a group;

b) repeatedly,-

shall be punishable by corrective labour for up to two years in length or by imprisonment for the term not in excess of four years.

##### ***Article 223. Formation or Leading of or Participating in Paramilitary Units***

1. Formation or leading of paramilitary unit (army, clique, regiment or any other group),- shall bear criminal liability of imprisonment extending from five to ten years in length.

2. Participation into a paramilitary unit,-

shall be punishable by restriction of freedom for up to five years in length or by jail time up to six months in length or by imprisonment for the term not exceed five years.

*Note: the person who has voluntarily terminated his/her activities in a paramilitary unit and has handed over weapon, shall be absolved from criminal liability if his/her action bears no other signs of crime.*

##### ***Article 224. Banditism***

Formation of a rigidly armed group (band) or leading thereof to launch an attack on a person or organization as well as participation into such group (band) or in the attack organized by this group,- shall carry legal consequences of imprisonment ranging from up to five to twenty years in length.

##### ***Article 225. Mass Disorder***

1. Organizing or leading of mass disorder which involves violence, pogrom,

arson, use of arms or explosive device or armed resistance against government representative, - shall be punishable by imprisonment for the term ranging from three to ten years.

2. Participation in the action referred to in Paragraph 1 of this article, shall be punishable by prison sentences ranging from two to eight years in length.

**Article 226. Organizing Group Action Disrupting Public Order or Active Participation Therein**

Organizing a group action which grossly disrupts public order or is related to explicit disobedience of the legal requirement of a government representative or which has caused disruptions in the operation of transport, enterprise, establishment or organization, or active participation into such activity, - shall be punishable by fine or by socially useful labour from one hundred and twenty to one hundred and eighty hours in length or by corrective labour up to two years in length or by restriction of freedom for the term not exceeding three years or by imprisonment similar in length.

**Article 227. Illegal Seizure or Hijacking of Flying Object or Water Vessel or Movable Railway Corpus**

1. Illegal seizure in order to hijack or hijacking of a flying object or water vessel or movable railway corpus, - shall be punishable by imprisonment ranging from three to eight years in length.

2. The same action perpetrated:

a) by a group's conspiracy;

b) repeatedly;

c) under violence endangering life or health or threat of such violence, - shall bear legal consequences of imprisonment from five to twelve years in length.

3. The action referred to in Paragraph 1 or 2 of this article that through negligence has caused a person's death or has produced any other grave consequence, - shall carry legal consequences of imprisonment from seven to fifteen years in length.

**Article 228. Pirating**

1. Pirating, i.e. attack on a water vessel or other sailing object in order to take possession of other's object for the purpose of its misappropriation, committed under violence or threat of violence, - shall be punishable by imprisonment ranging from five to ten years in length.

2. The same action:

a) repeatedly;

b) that through negligence has claimed a human life or has given rise to any other grave consequence,

shall be punishable by prison sentences ranging from eight to fifteen years in length.

**Article 229. Explosion**

1. Explosion of gas, petrol, kerosene or other material whereby intentionally exposing life, health or property to danger, - shall be punishable by prison sentences extending from three to seven years in prison.

2. The same action that through negligence has caused a person's death or has given rise to any other grave consequence, -

shall be punishable by imprisonment extending from six to fifteen years in length.

**Article 230. Illegal Handling of Nuclear Material or Device, Radioactive Waste or Other Source of Ionizing Exposure**

1. Illicit purchase, keeping, possessing or disposal, use, processing, testing, transferring, transporting, export and import, sale or other illegal handling of or any other deal related to nuclear material or device, radioactive waste (including used nuclear oil), other source of radioactive or ionizing exposure, as well as equipment, installation, tool or device of whatever kind and for whatever purpose, containing radioactive substance, or any other source of ionizing exposure,-

shall be punishable by imprisonment for up to five years in length.

2. The same action:

a) repeatedly;

b) that through negligence has claimed a human life or has produced any other grave consequence,-

shall be punishable by imprisonment for the term not in excess of eight years.

**Article 231. Seizure of Nuclear Material, Radioactive Substance or Other Source of Ionizing Exposure**

1. Seizure of nuclear material, radioactive substance or any other source of ionizing exposure, -

shall be punishable by prison sentences ranging from three to ten years in length.

2. The same action committed under violence endangering life or health or by threat of such violence,-

shall be punishable by prison sentences ranging from six to fifteen years in length.

**Article 232. Manufacturing of Nuclear Weapons or Other Explosive Nuclear Device**

1. Manufacturing of nuclear weapons or other explosive nuclear device,- shall be punishable by prison sentences ranging from five to ten years in length.

2. The same action perpetrated:

a) by a group;

b) repeatedly,-

shall be punishable by prison sentences ranging from eight to fifteen years in length.

**Article 233. Suppression or Distortion of Information on Disaster or Accident on Nuclear or Radioactive Object**

1. Suppressing or distorting information on the disaster or accident on a nuclear or radioactive object that could have caused human death(s) or any other grave consequence, -

shall be punishable by restriction of freedom not in excess of three years or by imprisonment similar in length.

2. The same action that has claimed a human life or has given rise to any other grave consequence,-

shall be punishable by jail time up to six months in length or by prison sentences ranging from three to seven years in length.

**Article 234. Transit Across or Importing to Territory of Georgia of Radioactive Fall-outs or Toxic Industrial or Consumer Remains**

1. Transit across, or import to, the territory of Georgia, of radioactive fall-outs or toxic industrial or consumer remains for utilization, neutralization, treatment, burying or any other purposes, import of other industrial or consumer remains for the purpose of their neutralization, burning or burying, -

shall be punishable by fine or by imprisonment for up to five years in length.

2. The same action that through negligence has caused a person's death or has given rise to any other grave consequence,-  
shall bear legal consequence of imprisonment up to eight years in length.

**Article 235. Illicit Export of Technology, Scientific-Technical Information or Service for Production of Weapons of Mass Destruction or Military Equipment**

Illicit export of technology, scientific-technical information or service for the production of weapons of mass destruction or military equipment whereon special export control is imposed,-  
shall be punishable by fine or imprisonment ranging from three to five years in length.

**Article 236. Illicit Purchase, Keeping, Carrying, Production, Shipment, Transfer or Sale of Fire-Arms, Ammunition, Explosive Material or Explosive Device**

1. Illicit purchase or keeping of fire-arms, ammunition, explosive material or explosive device,-  
shall be punishable by fine or by restriction of freedom for up to a three year term or by jail time up to two months in length or by imprisonment for up to three years in length.

2. Illicit carrying of fire-arms, ammunition, explosive material or explosive device,-  
shall be punishable by fine or by jail time up to four months in length or by imprisonment for the term not in excess of five years.

3. Illicit production, shipment, transference or sale of fire-arms, ammunition, explosive material or explosive device,-  
shall be punishable by prison sentences ranging from five to ten years in length.

*Note: the person who voluntarily hands over the weapons referred to in this article, shall be absolved from criminal liability if his/her action bears no signs of any other offence.*

**Article 237. Illegally Taking Possession for Misappropriation Purposes or Extortion of Arms, Ammunition, Explosive Material or explosive Device**

1. Illegally taking possession of fire-arms, their component, ammunition, explosive material or explosive device for misappropriation purposes or extortion thereof,-  
shall be punishable by jail time up to six months in length or by imprisonment ranging from three to seven years.

2. Illegally taking possession, for misappropriation purposes or extortion of nuclear, chemical, biological weapons or those of mass destruction or material or device for manufacturing such weapons,-  
shall be punishable by prison sentences ranging from five to ten years in length.

3. The action referred to in Paragraph 1 or 2 of this article, perpetrated:  
a) by an organized group;  
b) under violence endangering life or health or threat of by such violence,-  
c) by the one who has twice or more than twice been convicted of illegal appropriation of other's object,-  
shall be punishable by prison sentences ranging from eight to fifteen years in length.

**Article 238. Negligent Keeping of Fire-Arms**

Negligent keeping of fire-arms, in manner creating a condition for its being used by any other person, that through negligence has caused a person's death or has given rise to any other grave consequence,-  
shall be punishable by fine or by corrective labour for the term not exceeding one year or by restriction of freedom for up to two years in length or by jail

time for up to three months in length or by imprisonment for the term not in excess of one year.

**Article 239. Hooliganism**

1. Hooliganism, i.e. the action which grossly violates public order or demonstrates open contempt toward the public, committed under violence or threat of violence,-

shall be punishable by fine or by socially useful labour from one hundred and twenty to one hundred and eighty-hours in length or by corrective labour for up to one year on length or by imprisonment similar in length.

2. The same action perpetrated:

a) by a group's conspiracy;

b) against a government representative or a person preventing hooliganism;

c) by the one previously convicted of hooliganism,-

shall be punishable by fine or by socially useful labour from one hundred and eighty to two hundred hours in length or by corrective labour for up to a two-year term or by imprisonment for the term not in excess of five years.

3. The action referred to in Paragraph 1 or 2 of this article, involving the use of fire-arms or other object applied as a weapon,-

shall be punishable by prison sentences ranging from three to seven years in length.

**CHAPTER XXXI. BREACH OF SAFETY RULE WHEN PERFORMING WORK**

**Article 240. Breach of Safety Rule When Performing Mining, Building or Other Work**

1. Breach of safety rule when performing mining, building or other work that through negligence has caused a less serious or serious damage to health,- shall be punishable by fine or corrective labour for up to a two-year term or by imprisonment for up to two years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

2. The same action that through negligence has caused a person's death or has given rise to any other grave consequence,-

shall be punishable by restriction of freedom for up to a five-year term or by imprisonment similar in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

**Article 241. Violation of Safety Standards on Atomic Energy Object**

1. Violation of safety standards with respect to location projection, building or maintenance of an atomic energy object that through negligence could have caused a person's death or radioactive contamination of environment, shall be punishable by fine or by restriction of freedom for the term not in excess of five years in length, by deprivation of the right to occupy a position or pursue a particular period for the term not in excess of three years or without it.

2. The same action that through negligence has caused a person's death, radioactive contamination of environment or has produced any other grave consequence,-

shall be punishable by imprisonment for up to fifteen years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

**Article 242. Non-Compliance with Safety standards in Enterprise or Workshop Vulnerable to Explosion**

1. Non-compliance with safety standards in a enterprise or workshop vulnerable to explosion that through negligence could has produced any grave consequence,-

shall be punishable by fine or by restriction of freedom for up to a two-year term or by imprisonment for up to one year in length, by deprivation of the right to occupy a position or pursue a particular period for the term not in excess of three years or without it.

2. Non-compliance with production and technical safety standards in a enterprise or workshop vulnerable to explosion that through negligence has claimed a human life or has given rise to any other grave consequence,- shall be punishable by restriction of freedom for up to five years in length or by imprisonment similar in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

**Article 243. Violation of Fire Safety Standards**

1. Violation of fire safety standards by the one obliged to observe them, that through negligence has caused a less serious or serious damage to health, - shall be punishable by fine or by restriction of freedom for up to three years in length or by imprisonment similar in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

2. The same action that through negligence has caused a person's death or has given rise to any other grave consequence,- shall be punishable by restriction of freedom for up to a five-year term or by imprisonment similar in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

**Article 244. Violation of Rule on Registration, Keeping, Shipment, Application or Transference of Explosive, Volatile, Toxic Material or Pyrotechnic Device**

Violation of rule on registration, keeping, shipment, application or transference of explosive, volatile, toxic material or pyrotechnic device as well as its illicit explosive, transference by post or by luggage that through negligence has caused a grave consequence,- shall be punishable by fine or by restriction of freedom for up to three years in length or by imprisonment for the term not in excess of five years.

**Article 245. Violation of Rule on Handling of Nuclear Material, Radioactive Fall-out or Other Source of Ionizing Exposure**

1. Violation of the rule on the purchase, keeping, burying, possessing, using, processing, testing, transferring, registering, shipping, export and import of nuclear material, radioactive fall-out or any other source of ionizing exposure, or violation of any other rule on dealing therewith, that could have caused a person's death or any other grave consequence,- shall carry a prison sentence up to three years in length.

2. The same action that through negligence has claimed a human life or has given rise to any other grave consequence,- shall be punishable by prison sentences ranging from five to ten years in length.

3. The action referred to in Paragraph 1 or 2 of the article, perpetrated:

a) by a group;

b) repeatedly,-

shall be punishable by prison sentences ranging from eight to twelve years in length.

**CHAPTER XXXII. CRIME AGAINST PUBLIC HEALTH OR PUBLIC MORALITY**

**Article 246. Illegal Doctor or Pharmaceutical Activity**

1. Illegal doctor or pharmaceutical activities that through negligence has affected a person's health,-

shall be punishable by fine or by restriction of freedom for up to three years in length or by imprisonment similar in length.

2. The same action that through negligence has caused a person's death, shall be punishable by restriction of freedom for up to five years in length or by imprisonment similar in length, by deprivation of the right to occupy a position or pursue a particular period for the term not in excess of three years or without it.

**Article 247. Covering or Spreading Information on Circumstance Presenting Danger to Life or Health**

1. Covering or falsifying information on the circumstance, fact or event that poses a danger to life, health or environment, perpetrated by the one who was obliged to inform the public thereon,-

shall be punishable by fine or by jail time up to three months in length or by imprisonment for up to two years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

2. The same action, perpetrated by an officer, or that through negligence has caused a damage to health or has produced any other grave consequence,- shall be punishable by fine or by imprisonment for up to five years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

**Article 248. Violation of Sanitary-Epidemiological Standards**

1. Violation of sanitary-epidemiological standards that through negligence has caused a mass disease and poisoning of people,-

shall be punishable by fine or by restriction of freedom up to three years in length or by imprisonment up to two years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

2. The same action that through negligence has caused a person's death, shall be punishable by restriction of freedom for up to five years in length or by imprisonment similar in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

**Article 249. Violation of Rule of Poison Circulation**

1. Illicit production of poison for the purpose of selling, purchase, keeping, shipment or sale thereof,-

shall be punishable by fine or by restriction of freedom for up to three years in length or by imprisonment similar in length.

2. The same action, perpetrated:

a) by a group;

b) repeatedly;

c) in large quantities,-

shall be punishable by prison sentences ranging from three to six years in length.

3. Violation of the rule on the production, purchase, keeping, registration, giving, shipment or transference of poison that has given rise to an illegal circulation of such substance or to any other grave consequence,- shall be punishable by fine or by imprisonment for up to five years in length.

**Article 250. Misappropriation or Extortion of Poison**

1. Misappropriation or extortion of poison,-

shall be punishable by fine or by imprisonment for up to four years in length.

2. The same action committed:

a) by a group;

b) repeatedly;



c) in large quantities,  
d) under violence endangering life or health or under threat of such violence,-  
shall be punishable by prison sentences ranging from four to ten years in length.

**Article 251. Production or Sale of Low-Quality Goods or Performance of Low-Quality Work or Rendering Low-Quality Service Incompatible with Safety Standards**

1. Production of sale of low-quality goods or performance of low-quality work or rendering of low-quality service incompatible with a customer's life or health safety standards, as well as illegal issuance or use of the official document certifying conformity of the goods, works or services with safety standards, that through negligence has caused a damage to a person's health,-  
shall be punishable by fine or by restriction of freedom for up to a two-year term or by imprisonment similar in length.

2. The same action that through negligence has caused a serious damage to a person's health or has undermined the health of two or more persons,-  
shall be punishable by fine or by restriction of freedom for up to a threeyear term or by imprisonment for up to five years in length.

3. The action referred to in Paragraph 1 of this article that through negligence has caused a person's death,-  
shall be punishable by prison sentences ranging from four to seven years in length.

**Article 252. Creation or Leading of or Participation in Illegal Union**

1. Creation of the religious, political or public union the activities whereof involves violence against people, or leading of such union,-  
shall be punishable by fine or by imprisonment for up to three years in length.

2. Participation in the union referred to in Paragraph 1 of this article,-  
shall be punishable by fine or by imprisonment for up to two years in length.

**Article 253. Engaging Someone in Prostitution**

1. Engaging someone in prostitution under violence, by threatening to use violence or destroy property, by blackmail or deception,-  
shall be punishable by fine or by imprisonment for up to two years in length.

2. The same action committed by an organized group,-  
shall carry legal consequences of imprisonment for up to five years in length.

**Article 254. Set-up or Maintenance of Brothel**

Setting up or maintenance of brothels,-  
shall be punishable by fine or by imprisonment for up to four years in length.

**Article 255. Illicit Production or Sale of Pornographic Piece or Other Object**

Illicit production, distribution or promotion of a pornographic piece, printed material, image or other object pornographic in character, as well as trafficking by such object or its keeping intended to sell or distribute it,-  
shall be punishable by fine or by corrective labour for u to a two-year term or by imprisonment similar in length.

**Article 256. Production or Distribution of Material Promoting Cult of Violence or Cruelty**

Production, distribution, showing or keeping, for distribution or showing purposes of a television film, video-film or any other material promoting the

cult of violence or cruelty,-  
shall be punishable by fine or by corrective labour for the term not in excess of two years or by imprisonment for up to one year in length.

**Article 257. Damage to or Destruction of Historic, Cultural or Natural Monuments**

1. Damage to or destruction of historic, cultural or natural monuments or object or document bearing historical or cultural value,-  
shall be punishable by fine or by imprisonment for up to four years in length.
2. The same action that has caused a damage to or destruction of the object of special value,-  
shall be punishable by fine or by prison sentences ranging from seven to twelve years in length.
3. Damage to or destruction of, through negligence, historic, cultural or natural monuments or object or document bearing historical as cultural value,-  
shall be punishable by fine or by imprisonment up to two years in length.
4. The same action that through negligence has caused a damage to or destruction of the object of special value,-  
shall be punishable by imprisonment for up to three years in length.

**Article 258. Disrespect to Diseased**

1. Defilement of a corpse or burial place, as well as pull-down or damaging of a burial monument or any other above-ground structure,-  
shall be punishable by fine or by socially useful labour from one hundred and twenty to one hundred and eighty hours in length or by corrective labour for up to one year in length or by jail time up to two months or by imprisonment for the term not in excess of one year.
2. Stealing of the object put into or over the burial place,-  
shall be punishable by fine or by imprisonment for up to two years in length.
3. The same action perpetrated:
  - a) by a group;
  - b) due to racial, religious, national or ethnic intolerance;
  - c) under violence or threat of violence,-shall be punishable by restriction of freedom for up to three years in length or by jail time from three to six months in length or by imprisonment for the term not in excess of three years.

**Article 259. Cruelty against Animals**

1. Cruelty against animals that has caused the death or maiming of the animal, as well as torturing animals,-  
shall be punishable by fine or by corrective labour for up to one year in length.
2. The same action perpetrated:
  - a) by a group;
  - b) repeatedly;
  - c) at the presence of a minor,-shall be punishable by fine or by imprisonment for up to two years in length.

**CHAPTER XXXIII. DRUG-RELATED OFFENCES**

**Article 260. Illicit Preparation, Production, Purchase, Keeping, Shipment, Transfer or Sale of Narcotics, the Analogy or Precursor Thereof**

1. Illicit preparation, production, purchase, keeping, shipment, transfer or sale of drugs, the analogy or precursor thereof,-  
shall be punishable by imprisonment for up to ten years in length.

2. The same action perpetrated:  
a) in large quantities;  
b) by a group's conspiracy;  
c) by using one's official position;  
d) repeatedly;  
e) by the one who has previously committed one of the offences referred to in this Chapter of this Code, -  
shall be punishable by imprisonment ranging from six to twelve years in length.

3. The action referred to in Paragraph 1 or 2 of this article, perpetrated:  
a) in especially large quantities;  
b) by an organized group,-  
shall bear legal consequences of imprisonment ranging from eight to twenty years in length or life imprisonment.

*Note: Criminal liability for committing the offences referred to in this Chapter shall be lifted up from the person who voluntarily hands over narcotics, analogy or precursor thereof, psychotropic substance, its analogy or powerful substance, if his/her action bears no signs of any other crime.*

**Article 261. Illicit Preparation, Production, Purchase, Keeping, Shipment, Transference or Sale of Psychotropic Substance, Its Analogy or Powerful Substance**

1. Illicit preparation, production, purchase, keeping, shipment, transference or sale of psychotropic substance or its analogy, -  
shall be punishable by fine or by corrective labour for up to two years in length or by imprisonment for up to three years in length.

2. Illicit preparation, production, purchase, keeping, shipment, transference of sale of any powerful substance, -  
shall be punishable by fine or by corrective labour for up to one year in length.

3. The action referred to in Paragraph 1 or 2 of this Article, perpetrated:  
a) in large quantities;  
b) by a group's conspiracy;  
c) by using one's official position;  
d) repeatedly;  
e) by the one who has previously committed one of the offences referred to in this Chapter of the Code, -  
shall be punishable by imprisonment for up to five years in length.

4. The action referred to in Paragraph 1 or 2 of this article perpetrated:  
a) in especially large quantities;  
b) by an organized group,-  
shall be punishable by prison sentence ranging from three to eight years in length.

**Article 262. Illegal Import to or Export from, or International Transit Shipment Across Georgia, of Narcotics, Analogy or Precursor Thereof**

1. Illegal import to or export from, or international transit shipment across Georgia, of narcotics, analogy or precursor thereof,-  
shall be punishable by prison sentences ranging from five to ten years in length.

2. The action referred to in Paragraph 1 of this article, perpetrated:  
a) in large quantities;  
b) by a group's conspiracy;  
c) by using one's official position;  
d) repeatedly;  
e) by the one who has previously committed one of the offenses referred to in this Chapter of the Code,-  
shall be punishable by prison sentences ranging from eight to fifteen years in length.

3. The action referred to in Paragraph 1 or 2 of this Article, perpetrated:

a) in especially large quantities;  
b) by an organized group,-  
shall be punishable by prison sentences ranging from ten to twenty years in length or by life imprisonment.

**Article 263. *Illegal Import to or Export from, or International Transit Shipment Across Georgia, of Narcotics, Analogy or Precursor Thereof in Large Quantities***

1. Illegal import to or export from, or international transit shipment across Georgia, of narcotics, analogy or precursor thereof in large quantities,- shall be punishable by prison sentences ranging from two to eight years in prison.  
2. The action referred to in Paragraph 1 of this Article, perpetrated:  
a) in especially large quantities;  
b) by a group;  
c) by using one's official position;  
d) repeatedly;  
e) by the one who has previously committed one of the offences referred to in this Chapter of the Code,-  
shall be punishable by prison sentences ranging from four to twelve years in length.

**Article 264. *Misappropriation or Extortion of Narcotics, Analogy or Precursor Thereof, Psychotropic Substance, Its Analogy or Powerful Substance***

1. Misappropriation or extortion of narcotics, analogy or precursor thereof, psychotropic substance, its analogy or powerful substance,- shall be punishable by fine or by corrective labour for up to two years in length or by imprisonment for the term not in excess of four years.  
2. The same action, perpetrated:  
a) in large quantities;  
b) by a group's conspiracy;  
c) by using one's official position;  
d) repeatedly;  
e) by the one who has previously committed one of the offenses referred to in this Chapter of the Code;  
f) under violence exposing no danger to life or health or under threat of such violence,-  
shall be punishable by prison sentences ranging from four to eight years in length.  
3. The action referred to in Paragraph 1 or 2 of this article perpetrated:  
a) in especially large quantities;  
b) by an organized group;  
c) under violence exposing danger to life or health or under threat of such violence,-  
shall be punishable by prison sentences ranging from seven to fifteen years in length.

**Article 265. *Illicit Sowing, Growing or Cultivating of Plant Containing Narcotics***

1. Illicit sowing, growing or cultivating of plant containing narcotics,- shall be punishable by fine or by imprisonment for up to five years in length.  
2. The same action perpetrated:  
a) in large quantities;  
b) by a group's conspiracy;  
c) by using one's official position;  
d) repeatedly;  
e) by the one who has previously committed one of the offenses referred to in this Chapter of the Code,-

shall be punishable by prison sentences ranging from two to seven years in length.

3. The action referred to in Paragraph 1 or 2 of this article, perpetrated:

a) in especially large quantities;

b) by an organized group,-

shall be punishable by prison sentences ranging from five to ten years in length.

***Article 266. Setting up or Maintenance of Secret Laboratory for Production of Narcotics, Analogy or Precursor Thereof, Psychotropic Substance or Analogy Thereof***

1. Setting up or maintenance of a secret laboratory for production of narcotics, analogy or precursor thereof, psychotropic substance or analogy thereof,-

shall be punishable by corrective labour for up to two years in length or by imprisonment for up to three years in length.

2. The same action perpetrated:

a) by a group;

b) by using one's official position;

c) by the one who has previously committed one of the offences referred to in this Chapter of the Code,-

shall bear legal consequences of imprisonment for up to five years in length.

***Article 267. Preparation of False Receipt or Other Document for the Purpose of Using or Using Thereof in Order to Purchase Narcotics***

1. Preparation of a false receipt or any other document for the purpose of using or using thereof in order to purchase narcotics,-

shall be punishable by fine or by corrective labour for up to two years in length or by imprisonment for the term not in excess of three years.

2. The same action perpetrated:

a) repeatedly or aimed to render service to others;

b) by using one's official position,-

shall be punishable by fine or by imprisonment for up to five years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

3. The action referred to in Paragraph 1 or 2 of this article perpetrated:

a) in large quantities;

b) by a prior consent by a group,-

shall be punishable by imprisonment for up to eight years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

***Article 268. Preparation of False Receipt or Other Document for the Purpose of Using, or Using Thereof in Order to Purchase Psychotropic or Powerful Substance***

1. Preparation of a false receipt or any other document for the purpose of using, or using thereof in order to purchase psychotropic or powerful substance,-

shall be punishable by fine or by corrective labour for up to one year in length.

2. The same action perpetrated:

c) repeatedly or aimed to render service to others;

d) by using one's official position,-

shall be punishable by fine or by imprisonment for up to two years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of one year or without it.

3. The action referred to in Paragraph 1 or 2 of this article perpetrated:

c) in large quantities;

d) by a group's conspiracy,-

shall be punishable by imprisonment for up to five years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

**Article 269. Violation of Rule on Preparation, Production, Receiving, Registration, Giving, Keeping, Shipment, Transfer or Import Narcotics or Precursor**

1. Violation of the rule on the preparation, production, receiving, registration, giving, keeping, shipment, transfer or importing of any narcotics or precursor that has given rise to its illegal distribution,- shall be punishable by fine or by imprisonment for up to three years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.
2. The same action that has given rise to an illicit distribution of narcotics or precursor, or to any other grave consequence,- shall be punishable by imprisonment for up to five years in length or by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

**Article 270. Violation of Rule on Preparation, Production, Receiving, Registration, Giving, Keeping, Shipment, Transfer or Import Psychotropic or Powerful Substance**

1. Violation of rule on preparation, production, receiving, registration, giving, keeping, shipment, transfer or import of any psychotropic or powerful substance that has given rise to its illegal distribution,- shall be punishable by fine or by corrective labour for up to one year in length, by deprivation of the right to occupy a position or pursue a particular activity or without it.
2. The same action that has given rise to an illicit distribution of any psychotropic or powerful substance, or to any other grave consequence,- shall be punishable by fine or by corrective labour up to two in length, or by imprisonment similar in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

**Article 271. Allocation of House or Other Place for Abuse of Narcotics, Its Analogy, Psychotropic Substance, Its Analogy**

1. Allocation of house or other place for abuse of narcotics, its analogy, psychotropic substance, its analogy,- shall be punishable by fine or by imprisonment up to three years in length.
2. The same action perpetrated:
  - a) repeatedly;
  - b) for mercenary purposes;
  - c) against a minor or the one who is going through a disintoxication therapy course,- shall carry legal consequence of imprisonment up to five years in length.
3. Setting up of a special place for the abuse of narcotics, its analogy, a psychotropic substance, its analogy, or arranging for the abuse of such substances in such place,- shall be punishable by prison sentences ranging from three to six years in length.
4. The action referred to in Paragraph 3 of this Article, perpetrated:
  - a) by a organized group;
  - b) repeatedly,- shall be punishable by prison sentences ranging from five to ten years in length.

**Article 272. Persuasion into Abusing Narcotics, its Analogy, Psychotropic Substance, Its Analogy**

1. Persuasion into abusing narcotics, its analogy, psychotropic substance, its

analogy,-

shall be punishable by fine or by imprisonment up to three years in length.

2. The same action perpetrated:

a) repeatedly;

b) against two or more persons or a minor,-

shall bear legal consequences of imprisonment up to ten years in length.

***Article 273. Illegal Preparation Purchase, Keeping of Small Quantities of Narcotics, Its Analogy or Precursor for Personal Use or Their Use without Doctor's Prescription***

Illegal preparation purchase, keeping of small quantities of narcotics, its analogy or precursor for personal use or their use without doctor's prescription, perpetrated after awarding an administrative sentence for such practice,-

shall be punishable by fine or by socially useful labour from one hundred and twenty to one hundred and eighty hours in length, or by jail time up to three months or by imprisonment for the term not in excess of one year.

***Article 274. Evasion of Coercive Treatment***

Maliciously evading coercive treatment in a special medical-prophylactic institution by a drug-abuser,-

shall bear legal consequences of imprisonment for up to one year in length.

**CHAPTER XXXIV. TRANSPORT CRIME**

***Article 275. Violation of Safety or Maintenance Rule in Driving of Railway, Sea or Suspended Cable Transport***

1. Violation of safety or maintenance rule in driving any railway, sea or suspended cable transport by the one who carries a special obligation to observe it, that through negligence has caused a less serious or serious damage to health,-

shall be punishable by fine or by restriction of freedom for up to three years in length or by imprisonment for up to five years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

2. The same action that has not resulted in the consequences referred to in Paragraph 1 or 3 of this Article,-

shall be punishable by the fine or by corrective labour for up to three years in length or by imprisonment similar in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

3. The action referred to in Paragraph 1 of this Article, that through negligence has caused a person's death,-

shall be punishable by imprisonment for up to seven years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

4. The action referred to in Paragraph 1 of this Article that has caused a death of two or more persons,-

shall carry legal consequences of imprisonment ranging from five to ten years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

***Article 276. Violation of Traffic Safety or Maintenance Rule***

1. Violation of a safety or maintenance rule related to driving a car, a tram, a trolley-bus, a tractor or any other mechanical vehicles, by the one who is driving this vehicle that through negligence has caused a less serious or serious damage to death or any other substantial damage,-

shall be punishable by fine or by restriction of freedom for up to three years in length or by imprisonment for up to four years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

2. The same action that through negligence as caused a person's death,- shall be punishable by imprisonment for up to seven years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

3. The action referred to in Paragraph 1 of this article that through negligence has caused a death of two or more persons,- shall be punishable by prison sentences ranging from four to ten years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

***Article 277. Low-Quality Repairs to Vehicle, Issuance of Technically Distressed Vehicle for Exploitation***

1. Low-quality repairs to a vehicle, road, signal system, communication means or any other transport equipment, as well as issuance of a technically distressed vehicle for exploitation, perpetrated by the person carrying responsibility for the technical condition of the vehicle, that through negligence has caused a less serious or serious damage to health,- shall be punishable by fine or by restriction of freedom for up to three years in length or by imprisonment similar in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

2. The same action that through negligence has caused a person's death,- shall bear legal consequences of imprisonment of ranging from two to seven years in length.

3. The action referred to in Paragraph 1 of this article that through negligence has caused a death of two or more persons,- shall bear legal consequences of imprisonment ranging from four to ten years in length.

***Article 278. Rendering Vehicle Unfit for Use***

1. Damaging, destruction or rendering unfit for use of any vehicle, road, signal system or any other transport equipment, as well as blockage of transport communications that through negligence has caused a less serious or serious damage to health,- shall be punishable by fine or by imprisonment for up to four years in length.

2. The same action that through negligence has caused a person's death,- shall carry legal consequences of imprisonment up to seven years in length.

3. The action referred to in Paragraph 1 of this article that through negligence has caused a death of two or more persons,- shall be punishable by prison sentences ranging from five to ten years in length.

***Article 279. Abandoning Someone Exposed to Danger by Ship's Captain***

Abandoning, by the ship's captain of the one dying at sea or on any other sea route in case the captain could help one, without exposing a crew member or passenger to a serious danger, -

shall be punishable by fine or by restriction of freedom for up to three years in length or by imprisonment for up to two years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

***Article 280. Violation of International Flying Rule***

1. Non-compliance with the rule on permitted route, prescribed flying altitude, landing place, air gate or international flying,- shall be punishable by fine or by restriction of freedom for up to two years in length or by imprisonment for up to one year in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

2. The same action that has presented a serious danger to any populated



area,-  
shall be punishable by restriction of freedom for up to three years in length or by imprisonment for up to two years, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

**Article 281. Violation of Traffic Safety Rules**

1. Violation of traffic safety rules by a passenger, a pedestrian or any other participant in traffic, except for the persons referred to in Articles 275 or 276 of this Code, that through negligence has caused a less serious or serious damage to health,-  
shall be punishable by fine or by restriction of freedom for up to three years in length or by imprisonment for the term not exceeding two years.
2. The same action that through negligence has caused a person's death,-  
shall carry legal consequences of imprisonment for up to three years in length.
3. The action referred to in Paragraph 1 of this article that through negligence has caused a death of two or more persons,-  
shall be punishable by prison sentences ranging from four to ten years in length.

**Article 282. Arbitrary Stop of Train**

1. Stopping a train without necessity that through negligence has claimed a human life or has given rise to any other grave consequence,-  
shall carry legal consequences of imprisonment for up to seven years in length.
2. The same action that through negligence has caused a death of two or more persons,-  
shall carry legal consequences of imprisonment for up to ten years in length.

**Article 283. Violation of Rule on Building, Maintenance or Repairing of Main Pipeline**

1. Violation of the rule on building, maintenance or repairing of main pipeline that through negligence has caused a less serious or serious damage to health,-  
shall be punishable by fine or by restriction of freedom for up to three years in length or by imprisonment similar in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.
2. The same action that through negligence has caused a person's death,-  
shall bear legal consequences of imprisonment for up to five years in length.
3. The action referred to in Paragraph 1 of his article that through negligence has caused a death of two or more persons,-  
shall bear legal consequences of imprisonment ranging from five to ten years in prison.

**CHAPTER XXXV. COMPUTER CRIME**

**Article 284. Illegal Access to Computer Information**

1. Illegal access to the computer information protected by law, i.e. the information reflected in data-carrier, computer, computer system or their network that has caused a loss, blocking, modifying or copying of information or malfunctioning of the computer, computer system or their network,-  
shall be punishable by fine or by corrective labour for up to two years in length or by imprisonment similar in length.
2. The same action committed:
  - a) by a group's conspiracy;
  - b) by using one's official position;

c) by the one who had access to computer, computer system or their networks,-  
shall be punishable by fine or by corrective labour for up to two years in length or by jail time extending up to four months or by imprisonment for the term not in excess of five years.

***Article 285. Creation, Use or Circulation of Computer Damaging Program***

1. Creation of the program that damages computer or entering changes into the existing system that intentionally gives rise to any non-sanctioned loss, blockage, modification or copying of information or malfunctioning of the computer, computer system or their networks, as well as the use or spread of such program or a data-carrier replacing such program,-

shall be punishable by fine or by corrective labour for up to three years in length or by imprisonment similar in length.

2. The same action that through negligence has given rise to any grave consequence,-

shall carry legal consequences of imprisonment ranging from three to five years in length.

***Article 286. Violation of Rule on Maintenance of Computer, Computer System or Their Network***

1. Violation of the rule on maintenance of a computer, computer system or their network by the one who had access to the computer, computer system or their networks, that through negligence has caused a loss, blocking. modification or copying of the computer information protected by law, or that has caused a substantial damage,-

shall be punishable by fine or by socially useful labour from one hundred and eighty to two hundred hours in length or by restriction of freedom for up to two years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

**SECTION TEN. CRIME AGAINST ENVIRONMENTAL PROTECTION AND EXPLOITATION OR NATURAL RESOURCES**

**CHAPTER XXXVI. CRIME AGAINST ENVIRONMENTAL PROTECTION**

***Article 287. Violation of Rule on Environmental Protection When Performing Work***

Violation of the rule on environmental protection in case of projecting industrial, agricultural, scientific or other objects, location, reconstruction, building, transferring for maintenance or maintenance, that through negligence has caused a substantial deterioration of radiation standards, has undermined human health or has given rise to a mass destruction of animals or plants, or to any other grave consequence,-

shall be punishable by fine or by imprisonment up to five years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

***Article 288. Violation of Rule on Dealing with Environmentally Hazardous Substance or Waste***

1. Violation of the rule on handling with toxic, bacteriological, chemical or other environmentally hazardous substance or remains at the moment of its production, transportation, disposal, storage, burying or the use of that through negligence could have caused a substantial damage to human life or environment or could have produced any other grave consequence,-

shall be punishable by fine or by imprisonment for up to two years in length.

2. The same action that through negligence has caused the contamination of

environment, poisoning or a ailment, or a deterioration of human health, or has given rise to a mass destruction of wildlife, as well as committed amid ecological emergency or in the ecological disaster zone,- shall bear legal consequences of imprisonment ranging from three to five years in length.

3. The action referred to in Paragraph 1 or 2 of this article that through negligence has caused a person's death or mass illness of humans,- shall carry legal consequences of imprisonment up to eight years in length.

***Article 289. Violation of Rule on Handling with Microbiological or Other Biological Agent or Toxin***

1. Violation of the rule on dealing with microbiological or other biological agent or toxin that through negligence has caused a damage to a person's health, outbreak of epidemy or epizooty, or has produced any other grave environmental consequence,-

shall be punishable by fine or by imprisonment for up to three years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

2. The same action that through negligence has caused a person's death,- shall be punishable by restriction of freedom extending from two to five years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

***Article 290. Violation of Veterinary Rule or That of Fighting Plant Disease or Vermins***

1. Violation of a veterinary rule that through negligence has caused the outbreak of epizooty or any other grave consequence,- shall be punishable by fine or by corrective labour for up to one year in length or by imprisonment for up to two years in length.

2. Violation of the rule on fighting plant diseases or vermin that through negligence has given rise to any grave consequence,- shall be punishable by fine or by corrective labour for up to one year in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

***Article 291. Violation of Rule on the Use of Water***

Taking possession of water without permission or off-license performance of any hydrotechnical works on the general use network as well as violation of any other use on the use of water that is resulted in a substantial damage,- shall be punishable by fine or by corrective labour up to one year in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

***Article 292. Contamination of Water***

1. Contamination, littering, dry-up of a water object or any such negative influence thereon that may come to the detriment of the community health, reduce fish supply, deteriorate water supplying conditions, worsen physical, chemical or biological qualities of water, undermine natural selfcleaning ability, or violate of hydrological or hydrogeological regime,-

shall be punishable by fine or by corrective labour for up to one year in length or by imprisonment for up to one year in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

2. The same action that through negligence has caused a damage to a person's health, or a mass destruction of a animals or plants as well as committed on the territory of the national reservation or sanctuary or amid ecological emergency or in the zone of ecological disaster,- shall be punishable by fine or by corrective labour for up to two years in length or by imprisonment for the term not in excess of three years.

3. The action referred to in Paragraph 1 or 2 of this article that through

negligence has claimed a human life or has given rise to any other grave consequence,-  
shall be punishable by jail time up to four months in length or by prison sentences ranging from two to five years in length.

**Article 293. Sea Contamination**

1. Illegal dumping of the substance or any other waste or material exposing danger to human health or living sea organisms into the sea from the land, ship, other sailing vessels, flying object, platform or from any other manmade installation at sea, as well as contamination of the sea by departure from the rule on their burying, that poses danger to human health or any living sea organisms, or otherwise impedes a reasonable application of the sea,-

shall be punishable by fine or by corrective labour for up to one year in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it

2. The same action that has incurred substantial damage to human health, plants, fish supply or other living water organisms, holiday zone or any other good protected by law,-

shall be punishable by fine or by corrective labour for up to two years in length or by imprisonment for up to three years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

3. The action referred to in Paragraph 1 or 2 of this article, that through negligence has caused a person's death,-  
shall bear legal consequences of imprisonment ranging from two to five years in length.

**Article 294. Withholding Notification on Dumping Substance or Other Remains or Material Hazardous for Human Health or Living Sea Creatures into Sea by Person Incumbent Thereupon**

Withholding from giving a notification, by the official of relevant responsibility of the ship, to other sailing vessel, flying object, platform or any other manmade installation at sea, to the nearest port administration, but in case of dumping for burying purposes, to the organization issuing a permit on dumping, on the fact that preparations are being made to dump substances hazardous for human health or living sea creatures or, the solution containing such substance above the prescribed norm, or any other remains or material that may adversely affect a holiday zone or impede a reasonable application of the sea, or such substances were dumped due to extreme necessity or, lost within the inner sea or territorial waters of Georgia or in the open sea,-  
shall be punishable by fine or by corrective labour for up to one year in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

**Article 295. Contamination of Atmosphere**

1. Emission of a hazardous substance into atmosphere or violation of the rule on the maintenance of a cleaning installation, structure or any other object, that has resulted in a substantial deterioration of the quality of atmospheric air,-

shall be punishable by fine or by corrective labour for up to one year in length or by jail time up to a three-month term or by imprisonment for up to two years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

2. The same action that through negligence has caused a damage to human health,-

shall be punishable by fine or by corrective labour from one to two years in length or by imprisonment for the term not in excess of two years.

3. The action referred to in Paragraph 1 of this article that through negligence

has caused a person's death,-  
shall bear legal consequences of the imprisonment ranging from two to five years in length.

**Article 296. Violation of Legislation on Continental Shelf, Territorial Waters or Special Economic Zone of Georgia**

1. Illegal put-up of an installation, illegal establishment of a security zone around an island, installation or equipment as well as violation of the rules on building, reconstruction, maintenance, protection, liquidation or conservation of an installation as well as safety rules on sea transportation on the continental shelf, in the territorial waters or adjacent zone, or around it or within the special economic zone of Georgia,-  
shall be punishable by fine or by corrective labour for up to one year in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

2. Research or reconnaissance of the continental shelf or special economic zone of Georgia, or exploitation of its natural wealth without due license,-  
shall be punishable by fine or by corrective labour up to two years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

**Article 297. Rendering Land Unfit for Use**

1. Contamination or degradation of land when performing entrepreneurial economic or any other activities or otherwise rendering land unfit for use which is corollary to the violation of the rule on handling of mineral fertilizers, plant growing stimulators, pesticides, any other chemical or biological substance at the moment of their storing, application or shipment, that through negligence has caused a damage to human health or environment,-  
shall be punishable by fine or by corrective labour for up to three years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

2. The same action perpetrated amid ecological emergency or within the zone of ecological disaster, that has rendered a substantial area of land unfit for use,-  
shall be punishable by restriction of freedom for up to three years in length or by imprisonment similar in length.

3. The action referred to in Paragraph 1 or 2 of this article that through negligence has caused a person's death,-  
shall bear legal consequences of imprisonment ranging from two to five years in length.

**Article 298. Violation of Rule on Application or Protection of Entrails**

Violation of the rule on the application or protection of entrails at the moment of projection, location, reconstruction, liquidation, transferring for exploitation or exploitation of a mining enterprise or an underground installation, as well as building on the place of entrails' location without permission that through negligence has caused a substantial damage,-  
shall be punishable by fine or by corrective labour for up to two years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

**Article 299. Illegal Application of Entrails**

1. Illegal application of entrails that has caused a substantial damage,-  
shall be punishable by fine or by corrective labour for up to one year in length.

2. The same action committed repeatedly,-  
shall be punishable by fine or by corrective labour for up to two years in length or by imprisonment similar in length.

**Article 300. Illegal Catching of Fish or Other Living Water Creatures**

1. Illegal catching of fish or other living water creatures on the continental shelf, in the territorial waters, within the special economic zone or in the inner reservoirs of Georgia by any fish-catching tool or a mechanical vehicle, electric shock or by any other prohibited instrument, explosive or poisoning substance or by any other means which destroys fish or other living water creatures,-

shall be punishable by fine or by corrective labour for up to one year in length or by jail time for the term not exceeding two months.

2. The same action that through negligence has caused a substantial damage, or which is perpetrated in a state reservation or sanctuary, or in a prohibited place or at a prohibited time, as well as amid ecological emergency or within the zone of ecological disaster, or against the fish or other living water creatures entered into the "Red Book" of Georgia,-

shall be punishable by fine or by corrective labour for up to two years in length or by jail time not in excess of four months or by imprisonment for up to three years in length.

**Article 301. Illegal Hunting**

1. Hunting without due license or in a prohibited place or at a prohibited time, or by a prohibited tool or means, that has caused a substantial damage,-

shall be punishable by fine or by corrective labour for up to two years in length or by jail time to a four-month term, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

2. Hunting in a state reservation or on any other protected territory wherein hunting is completely prohibited, or by a mechanical vehicle or an instrument of mass destruction, or on the animals or birds entered into the "Red Book" of Georgia or on vulnerable animals or birds, as well as amid ecological emergency or within the zone of ecological disaster,-

shall be punishable by fine or by corrective labour for up to a two years in length or by imprisonment for up to three years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

**Article 302. Disruption of Habitat to Endangered Species Entered into "Red Book" of Georgia**

1. Disruption of the natural habitat or propagation area of the endangered species entered into the "Red Book" of Georgia or application of the place of the natural habitat of the species entered into the "Red Book" of Georgia, that through negligence has created a threat of extinction of such species in these places,-

shall be punishable by fine or by restriction of freedom for up to three years in length or by imprisonment up to a similar term, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

2. The same action that through negligence has caused the extinction of the endangered species entered in the "Red Book" of Georgia,-

shall be punishable by fine or by jail sentence ranging from three to six months in length or by imprisonment for up to a five-year term, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

**Article 303. Illegal Cutting of Bushes and Plants**

1. Illegal cutting of bushes and plants that through negligence has caused a substantial damage,-

shall be punishable by fine or by corrective labour for up to one year in length or by imprisonment for up to a three-year term.

2. The same action, perpetrated repeatedly,-

shall be punishable by fine or by corrective labour for up to two years in length or by imprisonment for up to a four-year term.

**Article 304. Damage to or Destruction of Forest or Plantation**

1. Damage to or destruction of the forest or plantation by negligent handling of fire or any source or increased danger, or contamination thereof by a hazardous substance,-

shall be punishable by fine or by corrective labour for up to two years in length or by imprisonment similar in length.

2. Damage to or destruction of the forest or plantation by setting fire, explosion or by any other universally dangerous means,-

shall carry legal consequences of imprisonment ranging from four to eight years in length.

**Article 305. Violation of Regime of Protected Territory**

Violation of the regime of any state reservation, sanctuary, national park, natural monument, reserved or landscape or any other protected territory that through negligence has caused a substantial damage,-

shall be punishable by fine or by corrective labour for up to two years in length or by imprisonment similar in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

**Article 306. Performance of Category One Activity without License of Environmental Protection**

Performance of the activity, which under law belongs to category one in accordance with scale, importance and impact on environment,-

shall be punishable by fine or by corrective labour for up to a two-year term or by imprisonment for up to three years in length.

**SECTION ELEVEN. CRIME AGAINST STATE**

**CHAPTER XXXVII. CRIME AGAINST CONSTITUTIONAL STRUCTURE AND SECURITY PRINCIPLES OF GEORGIA**

**Article 307. High Treason**

High treason shall be encroachment upon the territorial inviolability of Georgia (Article 308), conclusion of the anti-constitutional agreement or conducting anti-constitutional negotiations (Article 309), encroachment upon the internal security of Georgia (Article 310), joining the reconnaissance service of a foreign country (Article 311), encroachment upon the defense capacity of Georgia (Article 312), disclosure of a state secret (article 313), espionage (Article 314), conspiracy or uprising to alter the constitutional structure of Georgia by violence (Article 315), sabotage (Article 318), assistance in a hostile activity to a foreign state, foreign organization or the organization subordinated to the control of a foreign state (article 319), if this action was perpetrated by a citizen of Georgia or a person permanently residing in Georgia without having citizenship.

**Article 308. Encroachment upon Territorial Inviolability of Georgia**

1. The action against Georgia aimed to transfer the whole territory of Georgia or its part to a foreign state, or to separate its part from the territory of Georgia,-

shall bear legal consequences of imprisonment ranging from five to fifteen years in length.

2. The same action that has caused a loss of the whole territory of Georgia or its part, or has given rise to any other grave consequence,-

shall be punishable by prison sentences ranging from eight to twenty years in length or by life imprisonment.

**Article 309. Conclusion of Anti-Constitutional Agreement or Conducting Anti-Constitutional Negotiations**

1. Conducting anti-constitutional negotiations with a foreign state, a foreign organization or their representative for the purpose of restricting the sovereignty of Georgia or otherwise prejudicing national independence,- shall be punishable by prison sentences ranging from three to ten years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

2. Conclusion, by and on behalf of Georgia, of the anti-constitutional agreement with any foreign state, or foreign organization that restricts the national independence of Georgia, its sovereignty, or poses a threat to a peaceful co-existence of Georgia with other foreign states, as well as assigning power of attorney to others to conduct such agreement,- shall be punishable by prison sentences ranging from five to fifteen years, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

**Article 310. Encroachment upon External Security of Georgia**

1. Joining the military service of a foreign state or a foreign organization to the detriment of the interests of Georgia, or persuasion of any other person into doing so,-

shall be punishable by prison sentences ranging from two to eight years in length.

2. Establishment with any foreign state or foreign organization of the relation which is targeted to prepare and carry out military operations or aggression against Georgia, as well as other action to provoke such act, -

shall be punishable by prison sentences ranging from five to twelve years in length.

3. The action referred to in Paragraph 1 or 2 of this article that has given rise to any grave consequence,-

shall be punishable by prison sentences ranging from eight to fifteen years in length.

**Article 311. Joining Reconnaissance Service of Foreign State**

Joining the reconnaissance service or activity of a foreign state against Georgia,-

shall be punishable by prison sentences ranging from eight to fifteen years in length.

**Article 312. Encroachment upon Defense Capacity of Georgia**

1. Illegal transfer of the military unit, equipment or other defense means of Georgia to a foreign state, a foreign organization or their representative,- shall be punishable by prison sentences ranging from five to ten years in length.

2. Damaging, break-down or destruction of the military equipment or military object, as well as impeding the normal operation of any other enterprise, establishment, organization or service of military or defense importance of Georgia to the detriment of the defense capacity of Georgia,- shall be punishable by prison sentences ranging from eight to fifteen years in length.

3. The action referred to in Paragraph 1 or 2 of this article, perpetrated amid war or military conflict, or that has claimed a human life or has produced any other grave consequence,-

shall be punishable by prison sentences ranging from ten to twenty years in length.

**Article 313. Disclosure of State Secret**

1. Disclosure of the state secret, i.e. transferring the state secret of Georgia to a foreign state, foreign organization or their representative or its public disclosure to the detriment of the national interests of Georgia as well as



any other action for this purpose that makes the state secret accessible to an outsider, perpetrated by the one who had the knowledge of such secret due to his/her official position or to whom it was made known with respect to a special circumstance,-  
shall be punishable by prison sentences ranging from five to fifteen years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

2. The same action perpetrated amid war, or that has given rise to any grave consequence,-  
shall be punishable by prison sentences ranging from eight to twenty years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

**Article 314. Espionage**

1. Collecting, keeping of the object, document, information or any other data containing the state secret of Georgia or transferring thereof to a foreign country, foreign organization or their representative, or extortion or transference of other information by commission of the surveillance of a foreign state or a foreign organization to the detriment of the interests of Georgia,-  
shall be punishable by prison sentences ranging from five to ten years in length.

2. Espionage, perpetrated amid war or military conflict, or that has substantially undermined the interests of Georgia,-  
shall carry legal consequences of imprisonment ranging from eight to twenty years in length.

**Article 315. Conspiracy or Uprising to Alter Constitutional Structure of Georgia by Violence**

1. Conspiracy to alter the constitutional structure of Georgia by violence to overthrow the government or grab power,-  
shall bear legal consequences of imprisonment for up to five years in length.

2. Uprising to alter the constitutional structure of Georgia by violence to overthrow the government or grab power,-  
shall be punishable by prison sentences ranging from seven to fifteen years in length.

3. The action referred to in Paragraph 1 or 2 of this article that through negligence has claimed a human life or has given rise to any other grave consequence,-  
shall be punishable by imprisonment ranging from eight to twenty years in length.

**Article 316. Illegal Grab of Military Leadership or Disobedience to Legitimate Authority**

1. Illegal grab of military leadership,-  
shall carry legal consequences of imprisonment ranging from three to eight years in length.

2. Illegal movement, bolstering or changing the place of dislocation of the military force or equipment, or any other disobedience to the legitimate authority by a military leader,-  
shall be punishable by prison sentences ranging from two to ten years in length.

3. The action, referred to in Paragraph 1 or 2 of this article, perpetrated amid war or armed conflict, emergency or mass disorder, or that has given rise to any grave consequence,-  
shall be punishable by prison sentences ranging from five to fifteen years in length.

**Article 317. Sedition to Alter Constitutional Structure under Violence or**

**Overthrow State Authority of Georgia**

Public appeal to alter constitutional structure under violence or overthrow state authority of Georgia, or distribution of the material containing such appeal, as well as appeal to take up arms for this purpose,- shall be punishable by fine or by imprisonment up to three years in length.

**Article 318. Sabotage**

1. Impeding the normal operation of the state or any other enterprise, establishment organization or service for the purpose of weakening Georgia,- shall carry legal consequences of imprisonment up to three years in length.

2. Damage, breakdown or destruction of an enterprise, communications or mass broadcasting means, road, installation, equipment, document, large quantities of strategic raw material, material or products, as well as the object that is necessary for the normal operation of the establishment or organization vitally important for the population, the object used for the protection of public security and order or any other object of special importance,- shall bear legal consequences of imprisonment ranging from three to ten years in length.

3. The action referred to in Paragraph 2 of this article, involving explosion, arson or the application of any other universally dangerous means, as well as putting nuclear energy out of control, spread of epidemy or epizooty, mass poisoning or any other action that has caused a person's death or has undermined human health, - shall be punishable by prison sentences ranging from eight to twenty years in length.

**Article 319. Assisting Foreign State, Foreign Organization or Organization Controlled by Foreign State in Hostile Activity**

Assisting a foreign state, a foreign organization or the organization controlled by a foreign state in the activity which aims at encroaching upon the national interests of Georgia, if there are no signs of the actions referred to in Article 308, 310-314, 318, 322-325 and 329 of this Code,-

shall be punishable by prison sentences ranging from five to fifteen years in length.

**Article 320. Disclosure of State Secret**

1. Intentional or negligent disclosure of the state secret by the one who had the knowledge of such secret due to his/her official position or to whom it was made known, if it bears no signs of the actions referred to in Article 313 or 314 of this Code,-

shall be punishable by imprisonment for up to five years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

2. The same action that has substantially undermined the interests of Georgia,-

shall be punishable by prison sentences ranging from five to eight years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

**Article 321. Violation of Rule on Protection of State Secret**

1. Intentional or negligent violation of the rule on handling the document or object containing the state secret, that has caused a damage, destruction or loss of such document or object,-

shall be punishable by imprisonment for up to tree years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

2. The same action that through negligence has caused a disclosure of the

state secret, or has given rise to any other grave consequence,- shall be punishable by prison sentences ranging from two to six years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

**Article 322. Effective Confession to Crime against State**

The one who has perpetrated any of the crimes referred to in Article 309 and 311, Paragraph 1 of Articles 314 and 315 and Article 319, shall be released from criminal liability if he/she has voluntarily and timely informed a governmental body on the foregoing and the expected prejudice of the interests of Georgia has been forestalled.

**CHAPTER XXXVIII. TERRORISM**

**Article 323. Terrorist Act**

1. Terrorist act, i.e. explosion, arson, application of arms or any other action giving rise to threat of a person's death, substantial property damage or any other grave consequence and undermines public security, strategic, political or economic interests of the state, perpetrated to intimidate the population or put pressure upon a governmental body,- shall be punishable by prison sentences ranging from five to ten years in length.

2. The same action committed:

a) by s group;

b) repeatedly;

c) by using weapons of mass destruction,-

shall bear legal consequences of imprisonment ranging from eight to fifteen years in length.

3. The action referred to in Paragraph 1 or 2 of this article, that through negligence has claimed a human life or has given rise to any other grave consequence,-

shall carry legal consequences of imprisonment ranging from ten to seventeen years in length.

4. The action referred to in Paragraph 1 or 2 of this article that has claimed a human life or has given rise to any grave consequence,-

shall be punishable by prison sentences ranging from fifteen to twenty years in length or by life imprisonment.

*Note: Criminal liability shall be lifted up from the person participating in the preparation of the terrorist act who by giving a timely notice to a governmental body or acting otherwise, will help stave off the terrorist act, in case his/her action bears no other criminal signs.*

**Article 324. Technological Terrorism**

Technological terrorism, i.e. the use, or threat of use, of a nuclear, radiological, chemical or bacteriological (biological) arms or a component thereof, pathogenic micro-organism, radioactive or other substance hazardous for human health, including the seizure of the object of nuclear, chemical or strong technological or ecological vulnerability, that undermines public security, strategic, political or economic interest, perpetrated to intimidate the population or put pressure upon a governmental body, shall bear legal consequences of imprisonment ranging from eight to fifteen years in length.

**Article 325. Assault on Political Official of Georgia**

Encroachment upon the life, health or property of the President or any other political official of Georgia or a family member thereof, related to the diplomatic activity of such official,-

shall be punishable by prison sentences ranging from seven to twenty years in length or by life imprisonment.

**Article 326. Assault on Person or Institution Enjoying International Protection**

Assault on the representative of a foreign state or the employer of an international organization enjoying international protection or on their office or residential building or vehicle, as well as encroachment upon the life, health or property of a family member thereof on political motives or for deterioration of international relations,-  
shall be punishable by prison sentences ranging from seven to twenty years in length or by life imprisonment.

**Article 327. Formation of Terrorist Organization or Leading Thereof or Participation Therein**

1. Formation or leading of a terrorist organization,-  
shall bear legal consequences of imprisonment ranging from seven to fifteen years in length.
2. Participation in a terrorist organization,-  
shall be punishable by prison sentences ranging from five to ten years in length.

**Article 328. Accession and Assistance to Terrorist Organization of Foreign State or to Such Organization Controlled by Foreign State**

Accession to the terrorist organization of a foreign state or to such organization controlled by a foreign state or assisting it in terrorist activities, shall carry legal consequences of imprisonment ranging from seven to fifteen years in length.

**Article 329. Seizure of Hostage for Terrorist Purposes**

1. Hostage-taking for terrorist purposes, i.e. to coerce the state authority or an international or religious organization to carry out or not to carry out a particular action by promising to release the hostage,-  
shall be punishable by prison sentences ranging from seven to thirteen years in length.
2. The same action perpetrated:
  - a) against a political official of Georgia or a family member thereof;
  - b) against a foreign official representative or the one enjoying international protection;
  - c) by a group;
  - d) repeatedly;
  - e) by a terrorist organization,-shall bear legal consequences of imprisonment ranging from eight to fifteen years in length.
3. The action referred to in Paragraph 1 or 2 of this article that has claimed a human life or has given rise to any other grave consequence,-  
shall carry legal consequences of imprisonment ranging from twelve to twenty years in length.

*Note: If, within 72 hours upon hostage-taking, the offender, voluntarily or by request of the government, releases the hostage so that the term for release has not been met, such offender shall be absolved from criminal liability if his/her action involves no other criminal signs or there is no complaint on the part of the victim.*

**Article 330. Taking Possession of or Blocking Object of Strategic or Special Importance for Terrorist Purposes**

1. Taking possession of or blocking the object of strategic or special importance for terrorist purposes,-  
shall be punishable by prison sentences ranging from eight to fifteen years in length.
2. The action referred to in Paragraph 1 of this article that has claimed a human life or has given rise to a grave consequence,-  
shall carry legal consequences of imprisonment ranging from twelve to

twelve years in length or by life imprisonment.

**Article 331. False Notification on Terrorism**

False notification on terrorism,-

shall be punishable by fine or by corrective labour from one to two years in length or by jail time up to three months or by imprisonment not in excess of three years.

**CHAPTER XXXIX. MALFEASANCE**

**Article 332. Abuse of Official Authority**

1. Abuse of official authority by an officer or a person equal thereto in contempt of public service requirements in order to gain any profit or privilege for oneself or others that has come as a substantial prejudice to the right of a natural or legal person, legal public or state interest,- shall be punishable by fine or by jail time up to four months in length or by imprisonment for up to three years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

2. Abuse of official authority by a state-political official,- shall be punishable by fine or by imprisonment for up to five years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

**Article 333. Exceeding Official Powers**

1. Exceeding official powers by an officer or a person equal thereto that has inflicted a substantial damage to the right of a natural or legal person, legal public or state interest,-

shall be punishable by fine or by jail time up to four months in length or by imprisonment for up to three years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

2. Exceeding official powers by a state-political official. shall be punishable by fine or by imprisonment for up to five years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

3. The action preferred to in Paragraph 1 or 2 of this article, perpetrated:

a) repeatedly;

b) under violence or by application of arms;

c) by insulting a dignity of a victim,-

shall be punishable by prison sentences ranging from three to eight years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

**Article 334. Illegal Release of Suspect or Accused from Criminal Liability**

Illegal release of an accused person as well as of a suspect from criminal liability,-

shall be punishable by imprisonment up to four years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

**Article 335. Giving Evidence or Submitting Opinion under Duress**

1. Forcing a suspect, victim or witness to give evidence or an expert to submit opinion by the prosecutor, investigator or inquirer by threats or any other illegal action,-

shall be punishable by imprisonment up to three years in length.

2. The same action involving violence, abuse or torture,-

shall carry legal consequences of imprisonment ranging from two to eight years in length.

**Article 336. Delivering Illegal Sentence or Other Court Decision**

1. Delivering an illegal sentence or any other illegal court decision,- shall be punishable by fine or by imprisonment for up to five years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

2. Delivering an illegal sentence, in case such sentence involves life imprisonment,

shall bear legal consequences of imprisonment ranging from three to ten years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

**Article 337. Illicit Participation in Entrepreneurial Activity**

Establishment of an enterprise, organization or institution for entrepreneurial purposes or participation therein, irrespective of a legal prohibition, by an officer or a person equal thereto, directly or indirectly, if it is related to awarding illegal privileges or preferences or granting any other form of patronage to him/her,-

shall be punishable by restriction of freedom extending from two to three years in length or by imprisonment for up to five years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

**Article 338. Accepting Bribes**

1. Accepting bribes by an officer or a person equal thereto, in the form of money, securities, property or any other material benefit, for performing or not performing this or that action in favour of the bribe-giver that the officer or the person equal thereto must have or could have performed by using his/her official position, or his/her official authority could have promoted such action, as well as exercising official patronage by him/her,- shall be punishable by prison sentences ranging from five to ten years in length.

2. Accepting bribes:

a) by a political official;

b) in large quantities;

c) by a group's conspiracy,-

shall be punishable by prison sentences ranging from six to twelve years in length.

3. The action referred to in Paragraph 1 or 2 of this article, committed:

a) by a person previously convicted of bribery;

b) repeatedly;

c) through extortion;

d) by an organized group;

e) in especially large quantities,-

shall carry legal consequences of imprisonment ranging from eight to fifteen years in length.

*Note: Bribe in large quantities shall be the amount exceeding ten thousand laris in the form of money, securities, other property or material benefit, and the amount in excess of thirty thousand laris shall be construed as bribe in especially large quantities.*

**Article 339. Bribe-Giving**

1. Giving bribes to an official or a person equal thereto,-

shall be punishable by fine or by corrective labour up to two years in length or by restriction of freedom up to a similar term or by jail time not in excess of three months or by imprisonment for up to two years in length.

2. Giving bribes to an official or a person equal thereto for committing an illegal action,-

shall be punishable by fine or by imprisonment for up to eight years in length.

*Note: A briber shall be released from criminal liability if he/she was extorted of bribe or if he/she voluntarily informed a prosecuting body on the bribegiving.*

**Article 340. Accepting Illegal Presents**

1. Accepting an illegal present by an official or a person equal thereto,- shall be punishable by fine or by socially useful labour from one hundred to three hundred hours or by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.
2. The same action committed repeatedly,- shall be punishable by fine or by socially useful labour from two hundred to four hundred hours or by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

**Article 341. Falsification in Service**

Falsification in service, i.e. entering false data or record into an official document or register, or drawing up or issuance of a false document, as well as forging of an official or private document existing in the file of an enterprise, establishment, organization, by an official or a person equal thereto, perpetrated for mercenary purposes or by any other personal motive,- shall be punishable by fine or by imprisonment for up to two years in length.

**Article 342. Neglect of Official Duty**

1. Neglect of official duty, e. i. non-fulfillment or undue fulfillment, by an official or a person equal thereto, of the official obligation due to neglectful attitude therewith, that has substantially prejudiced the right of a natural or legal person, legal public or state interest,- shall be punishable by fine or by jail time not in excess of six months or by imprisonment for up to two years in length.
2. The same action that through negligence has claimed human life or has given rise to any other grave consequence,- shall carry legal consequences of imprisonment for up to four years in length.

**CHAPTER XL. CRIME AGAINST NORMAL FUNCTIONING OF GOVERNMENT**

**Article 343. Defilement of National Emblem or Flag**

Defilement of the national emblem or flag of Georgia,- shall be punishable by restriction of freedom for up to two years in length or by jail time extending from three to six months or by imprisonment up to two months in length.

**Article 344. Illegal Crossing of State Borders of Georgia**

1. Illegal crossing of the state border of Georgia,- shall be punishable by fine or by imprisonment for up to two years in length.
2. The same action perpetrated:
  - a) by a group;
  - b) under violence or threat of such violence,-shall carry legal consequences of imprisonment for up to five years in length.

*Note: This article shall not apply to the citizens or persons not having citizenship of a foreign country who enter Georgia and seek sanctuary from the government under the legislation of Georgia, if his/her action bears no other criminal signs.*

**Article 345. Illegal Altering of State Border of Georgia**

1. Illegal altering of the state border of Georgia,- shall be punishable by imprisonment up to four years in length.
2. The same action committed:

- a) by a group;
- b) under violence or threat of violence;
- c) repeatedly;
- d) that through negligence has given rise to a grave consequence,- shall be punishable by imprisonment for up to eight years in length.

**Article 346. Illegal Raising of National Flag of Georgia**

Illegal raising of the national flag or any identification mark of Georgia on a vessel,- shall bear legal consequences in fine or in imprisonment for up to one year in length.

**Article 347. Violation of Rule on Assembly and Manifestation**

Violation of the rule on assembling and manifestation by the organizer of this action, that through negligence has given rise to any grave consequence,- shall be punishable by fine or by restriction of freedom for up to two years in length or corrective labour for up to one year in length.

**Article 348. Violation of Rule on Strike**

Violation of the rule on strike by the organizer of the action that through negligence has given rise to any grave consequence,- shall be punishable by fine or by restriction of freedom for up to two years in length or corrective labour for up to one year in length.

**Article 349. Non-fulfillment of Request of Ad Hoc Investigation Committee of the Parliament of Georgia**

Non-fulfillment of the legal request of the Ad Hoc Investigation Committee of the Parliament of Georgia,- shall be punishable by fine or by imprisonment for up to one year in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

**Article 350. Giving False Explanation to Ad Hoc Investigation Committee of the Parliament of Georgia**

Giving a false explanation to the Ad Hoc Investigation Committee of the Parliament of Georgia,- shall be punishable by fine or by socially corrective labour for the term ranging from one hundred and eighty to two hundred and forty hours, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of five years or by jail time up to two months in length.

**Article 351. Disclosure of Data of Ad Hoc Investigation Committee of the Parliament of Georgia**

Disclosure, without due permission, of the data of the Ad Hoc Investigation Committee of the Parliament of Georgia,- shall be punishable by fine or by corrective labour up to one year in length or by jail term extending from two to four months in length.

**Article 352. Exerting Pressure upon Public Defendor**

1. Exerting pressure upon the Public Defendor in whatever form, intended to obstruct his/her official activities,- shall be punishable by fine or by corrective labour extending from one to two years in length or by restriction of freedom for up to two years in length or by jail term extending up to three months.
2. The same action perpetrated by using one's official position,- shall be punishable by imprisonment up to two years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

**Article 353. Resistance, Threat or Violence against Protector of Public**



***Order or Other Government Representative***

1. Resisting a police officer or any other government representative to impede the protection of public order or terminate or change his/her activity, as well as coercing thereof into an explicitly unlawful action, perpetrated under violence or threat of violence,- shall be punishable by fine or by restriction of freedom for up to three years in length or by imprisonment for up to five years in length.
2. The same action perpetrated by a prior consent of a group,- shall be punishable by jail term extending from four to six months or by imprisonment for up to seven years in length.

***Article 354. Disclosure of Data on Extent of Protection Applied to Officer of Law Enforcement or Controlling Body***

1. Disclosure of the data on the extent of protection applied to an officer, or a family member thereof, of the law-enforcement or controlling body in order to impede official activities of such officer,- shall be punishable by fine or by jail term up to four months.
2. The same action that through negligence has given rise to any grave consequence,- shall carry legal consequences of imprisonment up to five years in length.

***Article 355. Non-Submitting of Property or Financial Declaration or Entering Incomplete or Incorrect Data Thereto***

Maliciously avoiding to submit a property or financial declaration or entering incomplete or incorrect data into the declaration on purpose,- shall be punishable by fine or by socially useful labour extending from one hundred and twenty to two hundred hours, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

***Article 356. Evasion of Military or Alternative Labour Service by Conscript***

1. Evading of military service by a conscript,- shall be punishable by fine or by jail term extending from three to six months or by imprisonment for up to three years in length.
2. Evading of alternative labour service by a conscript,- shall be punishable by fine or by socially useful labour from one hundred and eighty to two hundred hours in length, or by jail term extending from three to six months or by imprisonment up to one year in length.
3. The action, referred to in Paragraph 1 or 2 of this article, committed amid war or emergency,- shall carry legal consequences of imprisonment for up to five years in length.

***Article 357. Avoiding of Training or Military Gathering by Person Liable to Military Service***

1. Avoiding of a training or military gathering by a person liable to military service,- shall be punishable by fine or by socially useful labour extending from one hundred and eighty to two hundred and twenty hours or by jail term ranging from two to four months.
2. The same action perpetrated amid war or emergency,- shall bear legal consequences of imprisonment up to five years in length.

***Article 358. Avoiding Mobilization Call-up***

Avoiding mobilization call-up,- shall be punishable by prison sentences ranging from three to eight years in length.

***Article 359. Service or Tax Evasion in Times of War***

Avoiding of labour mobilization or performance of any other service, or tax evasion amid war,-  
shall be punishable by fine or by corrective labour for up to two years in length or by imprisonment term exceeding from one to five years.

**Article 360. Arbitrary Behavior**

1. Arbitrary behavior, i.e. exercising one's authentic or arrogated right against the established rule that through negligence has caused a substantial damage,-

shall be punishable by fine or by socially useful labour extending from one hundred and eighty to two hundred hours in length or by corrective labour from one to two years in length or by jail term extending from four to six months.

2. The same action, perpetrated under violence or threat violence,-  
shall be punishable by restriction of freedom for up to a three-year term, or by jail time ranging from four to six months in length or by imprisonment for up to four years in length.

**Article 361. Purchase or Sale of Official Document or Government Award**

Purchase or sale, for mercenary purposes, of an official document or government award authorizing a person or releasing him/her from obligation,-  
shall be punishable by fine or by jail term up to three months.

**Article 362. Preparation or Using of Forged Document, Seal, Stamp or Blank**

1. Preparation or using of a forged identification card or any other official document, seal, stamp or blank,-

shall be punishable by fine or by jail term up to six months.

2. The same action committed:

a) repeatedly;

b) that through negligence has caused substantial damage,-

shall be punishable by restriction of freedom for up to three years or by imprisonment for up to two years in length.

**Article 363. Misappropriation of Document, Seal, Stamp, Blank**

1. Misappropriation, concealment, destruction or damaging of a document, seal, stamp or blank, perpetrated for mercenary purposes or by any other personal motive,-

shall be punishable by fine or by restriction of freedom by up to two years in length.

2. Stealing of identification card or any other important personal document,-  
shall be punishable by fine or by imprisonment for up to one year in length.

**SECTION TWELVE**

**CRIME AGAINST JUDICIAL AUTHORITY**

**CHAPTER XLI. CRIME AGAINST THE ACTIVITIES OF JUDICIAL BODIES**

**Article 364. Obstruction to Administration of Justice or Preliminary Investigation**

1. Illegally hindering the course of justice in whatever form to influence the administration of legal proceedings,-

shall be punishable by fine or by jail term up to six months or by imprisonment up to two years in length.

2. Illegal involvement into the activities of a prosecutor, investigator or inquirer in whatever form to hinder a thorough, complete and objective investigation of the case,-

shall be punishable by fine or by socially useful labour ranging from one

hundred and eighty to two hundred and twenty hours in length or by jail term up to four months.

3. The action referred to in Paragraph 1 or 2 of this article, perpetrated by using one's official position,- shall be punishable by fine or by imprisonment up to four years, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.

***Article 365. Threatening or Violence with Respect to Administration of Legal Proceedings or Preliminary Investigation***

1. Threatening to kill or to damage the health of, or destroy or damage the property of a member of the Constitutional Court, judge, jury or a close relative thereof with respect to the court hearing or court review of materials,-

shall be punishable by the fine or by imprisonment for up to three years in length.

2. The same action committed against the prosecutor, investigator, inquirer, attorney, expert, bailiff, any other participant of justice administration or a close relative thereof, with respect to the inquiry, preliminary investigation, court hearing or review, or administration of the sentence or any other court decision,-

shall be punishable by fine or by jail term from three to six months or by imprisonment for up to two years in length.

3. The action referred to in Paragraph 1 or 2 of this article perpetrated under violence which is not dangerous for life or health,-

shall be punishable by imprisonment for up to five years.

4. The action referred to in Paragraph 1 or 2 of this article perpetrated under violence which is dangerous for life or health,-

shall bear legal consequences of imprisonment ranging from five to ten years in length.

***Article 366. Contempt of Court***

1. Contempt of court involving insult to a participant of the process,- shall be punishable by fine or by socially useful labour from one hundred and eighty to two hundred and forty hours in length or by jail term from two to four months.

2. The same action involving insult to a member of the of the Constitutional Court, judge or jury,-

shall be punishable by fine or by corrective labour from one to two years in length or by jail term from three to six months.

***Article 367. Disclosure of Confidentiality Attached to the Security of Member of Constitutional Court, Judge, Jury or Any Other Participant of Justice Administration or Legal Process***

1. Disclosure of the confidential information related to the security of a member of the Constitutional Court, judge, jury or any other participant of justice administration, bailiff, plaintiff, witness or any other participant of the legal process or a close relative thereof by the one who knew such confidential information due to his/her official position or to whom it was made known,-

shall be punishable by fine or by restriction of freedom for up to two years in length or by jail term up to four months.

2. The same action that through negligence has given rise to any grave consequence,-

shall carry legal consequences of imprisonment up to five years in length.

**CHAPTER XLII. CRIME AGAINST PROCEDURE FOR EVIDENCE COLLECTION**

***Article 368. Destruction of Evidence***

1. Destruction of evidence by a participant of justice administration,-

shall be punishable by fine or by restriction of freedom for up to two years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

**Article 369. Fabrication of Evidences**

1. Fabrication of evidence by a participant of a civil case or his/her representative,- shall be punishable by fine or by corrective labour from one to two years in length or by jail term extending from two to four months.
2. Fabrication of the evidence related to the legal case by the prosecutor, investigator, inquirer or attorney,- shall be punishable by imprisonment for up to three years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.
3. Fabrication of the evidence related to the legal case that through negligence has given rise to any grave consequence,- shall be punishable by prison sentences ranging from three to seven years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

**Article 370. False Evidence, False Opinion or Incorrect Translation**

1. Giving false evidence by the witness or victim or submitting false opinion or evidence by the expert or intentionally incorrect interpretation by the interpreter in the course of investigation or in court, - shall be punishable by fine or by socially useful labour from one hundred and eighty to two hundred and forty hours in length, or by corrective labour for up to two years in length or by jail term up to three months.
2. The same action involving charges of a grave or especially grave offence,- shall be punishable by fine or by imprisonment for up to five years in length.

*Note: The witness, plaintiff, expert or interpreter shall be released from criminal liability, if he/she, in the course of inquiry or preliminary investigation or before delivering a judgment or any other court decision, voluntarily confesses to having given false evidence or false opinion or intentionally incorrect interpretation.*

**Article 371. Refusal to Give Evidence by Witness or Plaintiff**

Refusal to testify by the witness or plaintiff,- shall be punishable by fine or by socially useful labour from one hundred and twenty to one hundred and eighty hours in length or by corrective labour up to one year in length or by jail term up to three months.

*Note: Criminal liability shall be lifted up from the one who refuses to give evidence against oneself or one's close relative.*

**Article 372. Bribing or Compulsion of Witness, Plaintiff, Expert or Interpreter**

1. Bribing or compulsion of the witness, plaintiff, expert or interpreter into giving false evidence, false opinion or incorrect interpretation,- shall be punishable by fine or by socially useful labour from one hundred and eighty to two hundred and forty hours in length or by corrective labour up to two years in length or by jail term up to three months or by imprisonment up to two years in length.
2. Compulsion, of the witness, plaintiff, expert or interpreter into giving false evidence, false opinion or intentionally incorrect interpretation or compulsion to suppress evidence, involving a threat to kill or use violence against such person or his/her close relative, or a threat to damage or destroy property thereof,- shall be punishable by fine or by jail term from three to six months or by imprisonment up to three years in length.
3. The action referred to in Paragraph 1 of this article, perpetrated under

violence,-  
shall bear legal consequences of imprisonment ranging from three to seven years in length.

**Article 373. False Reporting**

1. False reporting on crime,-  
shall be punishable by fine or by socially useful labour from one hundred and eighty to two hundred and forty hours in length or by corrective labour extending from one to two years or by jail term from two to four months or by imprisonment up to two years in length.  
2. The same action involving a charge of any grave or especially grave offence, or artificially creating evidence of charge,-  
shall be punishable by prison sentences ranging from two to six years in length.

**CHAPTER XLIII. ACTION AGAINST TIMELY PREVENTION AND EXPOSURE OF CRIME**

**Article 374. Disclosure of Information of Inquiry or Preliminary Investigation**

Disclosure of the information of the inquiry or preliminary investigation by the one who was duly cautioned that disclosure of such information was prohibited,-  
shall be punishable by fine or by corrective labour for up to two years in length or by jail term up to three months.

**Article 375. Crime Cover-up**

Cover-up, without aforethought of any especially grave crime,-  
shall be punishable by fine or by jail time from three to six months or by prison sentences for up to four years in length.  
*Note: Criminal liability shall be lifted up from the one who has covered up the crime of his/her close relative without aforethought.*

**Article 376. Non-Reporting of Crime**

Non-reporting of crime by the one who actually knows that any grave or especially grave crime is being prepared,-  
shall be punishable by fine or by jail time from three to six months or by imprisonment up to three years in length.

**CHAPTER XLIV. CRIME AGAINST EXECUTION OF JUDICIAL ACTS**

**Article 377. Illegal Action Related to Inventoried, Attached Property or Property Subject to Confiscation**

1. Embezzlement, alienation, concealment or illegal transfer of the inventoried or attached property by the one to whom this property was conveyed, or performance of bank operation by the attached funds (deposit) by the employer of any credit organization,-  
shall be punishable by fine or by socially useful labour ranging from one hundred and eighty to two hundred and forty hours in length or by jail term from three to six months or by imprisonment for up to two years in length.  
2. Concealment of the property subject to procedural confiscation as prescribed by the judicial act or otherwise avoiding administration of the sentence,-  
shall carry legal consequences of fine or imprisonment for up to three years in length.

**Article 378. Impeding Activities of Detention or Penitentiary Institutions or Disorganization of Such Activities**

1. Non-compliance with the legal request of the employer of the detention or penitentiary institutions or otherwise impeding the activity of this institution,-  
shall be punishable by imprisonment up to a one-year term.

2. Violence against the one placed into detention or penitentiary institution for the purpose of changing or suppressing evidence as well as to impede the convict to carry out his/her obligation as that of a citizen,- shall carry legal consequences of imprisonment ranging from two to four years.

3. Attack on the administration of the detention or penitentiary institution or creation of a criminal gang for this purpose or an active participation into such gang,- shall bear legal consequences of imprisonment extending from four to ten years in length.

4. The action referred to in Paragraph 3 of this article perpetrated by the one convicted of any grave or especially grave offence,- shall be punishable by prison sentences ranging from eight to fifteen years in length.

***Article 379. Escaping from the Place of Imprisonment, Detention or When under Custody***

1. Escaping from the place of arrest, detention, imprisonment, jail or when being held under custody,- shall bear legal consequences of imprisonment for up to three years in length.

2. The same action, perpetrated:

a) by a group;

b) by violence posing danger to life or health or by threat of such violence,- shall carry legal consequences of imprisonment for up to eight years in length.

***Article 380. Evading to Serve the Sentence of Imprisonment***

Evading to serve the sentence of imprisonment by the convict who has a permit for a short-term exit from the penitentiary institution,- shall be punishable by imprisonment for up to two years in length.

***Article 381. Non-execution of Sentence or Any Other Court Decision***

Non-execution of the effective sentence or any other court decision or impeding execution thereof by any government representative, officer of the state, local administration or self-administration body or by the one exercising administrative authority in an enterprise or any other organization,- shall be punishable by fine or by socially useful labour ranging from one hundred and eighty to two hundred and forty hours in length or by jail term extending from three to six months or by imprisonment for up to a two-year term, by deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

**SECTION THIRTEEN**

**CRIME AGAINST MILITARY SERVICE**

**CHAPTER XLV. CRIME AGAINST SUBORDINATION AND PROTECTION OF MILITARY DIGNITY**

***Article 382. Concept of Crime against Military Service***

1. Crime against military service shall be the action determined under this Section, directed against the military service rule in the military forces of Georgia, perpetrated by the military serviceman who serves in the military forces of Georgia by conscription or under contract, as well as by a reservist in case of military gathering.

2. In times of war or hostilities, criminal liability for crime against military service shall be determined under the legislation of Georgia on Marshal Law.

***Article 383. Non-Compliance with Order of Senior***

1. Non-compliance with the order, duly issued by the senior, by the subordinate that has come as a substantial prejudice to the interest of the military service,- shall be punishable by service restriction of the military for up to two years in length or by jail term up to six month or by placement into a disciplinary military unit for up to two yeas.
2. The same action, committed:
  - a) by a group;
  - b) that through negligence has given rise to any grave consequence,- shall carry legal consequences of imprisonment for up to five years in length.
3. Non-compliance with duly issued order by the subordinate due to a negligent or dishonest attitude to service, that through negligence has come as substantial prejudice to the interest of the military service,- shall be punishable by service restrictions of the military up to one year in length or by placement into a disciplinary military unit for up to a twoyear term.

**Article 384. Opposing or Compelling Senior to Break Official Obligation**

1. Opposing,by violence or by threat of violence, the senior or the one carrying out military obligation, or compelling such person to break this obligation,- shall be punishable by service restrictions of a military for up to two years in length or by placement into a disciplinary military unit for the same term or by imprisonment for up to five years in length.
2. The same action committed:
  - a) by a group;
  - b) by using arms;
  - c) that through negligence has caused a less serious or serious damage to health or has given rise to any other grave consequence,- shall bear legal consequences of imprisonment ranging from three to eight years in length.

**Article 385. Violence against Senior**

1. Battering of the senior or using any other violence against him at the moment of performing military obligation or violence related to the fulfillment of this obligation,- shall be punishable by service restrictions of a military for up to two years in length or by placement into a disciplinary military unit for the same term or by imprisonment for up to five years in length.
2. The same action committed:
  - a) by a group;
  - b) by using arms;
  - c) that through negligence has caused a less serious or serious damage to health or has given rise to any other grave consequence,- shall bear legal consequences of imprisonment ranging from three to eight years in length.

**Article 386. Violation of Rule on Subordination between Military Servicemen not Subordinated to Each Other**

1. Violation of the rule on subordination between military servicemen not subordinated to each other, involving flouting of the victim's honour or dignity or his coercion,- shall be punishable by placement into a disciplinary military unit or by imprisonment for up to three years in length.
2. The same action:
  - a) by a group;
  - b) against two or more persons;
  - c) repeatedly;
  - d) by using arms;
  - e) that through negligence has caused a less serious damage to health,-

shall be punishable by imprisonment up to five years in length.  
3. The action referred to in Paragraph 1 or 2 of this article that through negligence has given rise to any grave consequence,-  
shall be punishable by imprisonment up to ten years in length.

**Article 387. Abuse of Military Serviceman**

1. Abuse of one military serviceman by the other at the moment of carrying out military obligation or the abuse related to the fulfillment of such obligation,-  
shall be punishable by service restrictions of a military for up to six years in length or by placement into a disciplinary military unit up to the same term.  
2. Abuse of a subordinate by his senior or abuse of a senior by his subordinate at the moment of carrying out military obligation or with respect to the fulfillment of such obligation,-  
shall be punishable by service restrictions of military for up to one year in length or by placement into a disciplinary military unit up to the same term.

**Article 388. Abandoning Military Unit or other Place of Service without Permission**

1. Abandoning, by an enlistee military serviceman, of a military unit or any other place of service without permission, failure to return, for more than two days but no longer than ten days and without good reason, to the service, at the time of appointment into, discharging or transferring from, a military unit, from assignment, furlough or medical institution,-  
shall be punishable by jail time up to six months or by placement into a disciplinary military unit for up to one year in length.  
2. The same action perpetrated by the military serviceman who is serving a sentence into a disciplinary military unit,-  
shall be punishable by imprisonment up to two years in length.  
3. Abandoning, by an enlistee military serviceman or by the one serving in the military service under contract, a military unit or any other place of service without permission or failure to timely return to one's service without good reason and for longer than ten days but no longer than one month,-  
shall be punishable by jail time up to two years in length or by placement into a disciplinary military unit for the same term or by imprisonment up to three years in length.  
4. The action referred to in Paragraph 3 of this article, perpetrated for longer than one month,-  
shall be punishable by imprisonment for up to five years in length.

*Note: The military serviceman who commits the action referred to in this article for the first time, may be released from criminal liability if some grave circumstance has given rise to arbitrary abandonment of the military unit or any the place of service.*

**Article 389. Deserting**

1. Deserting, i.e. abandoning, by a military serviceman, of a military unit or any other place of service without permission in order to avoid military service or absence from the service for the same purpose,-  
shall be punishable by imprisonment for up to seven years in length.  
2. The same action perpetrated:  
a) by means of arms assigned for service uses;  
b) by a group,-  
shall be punishable by prison sentences ranging from three to ten years in length.

*Note: The military serviceman who commits the action referred to in Paragraph 1 of this article for the first time, may be released from criminal liability if deserting was corollary to some grave circumstance.*



**Article 390. Avoiding Military Service by Simulation or by Other Deception**

1. Avoiding military service by simulation, self-inflicted bodily injury, by using a false document or by any other deception, by a military serviceman,- shall be punishable by service restrictions of a military for up to two years in length or by jail term up to six months or by placement into a disciplinary military unit for up to one year in length.

**Article 391. Abandoning of Doomed Warship**

Abandoning of a doomed warship by the senior who has not fully carried out his official obligation or by a crew-member without due permission,- shall be punishable by jail time up to two years in length or by placement into a disciplinary military unit for the same term or by imprisonment up to five years in length.

**Article 392. Violation of Rule on Alert Duty (Combat Service)**

1. Violation of the rule on alert duty established for insuring timely detection and repulsion of a sudden attack on Georgia or its national security, that through negligence has or could have undermined national security concerns,-

shall be punishable by jail time up to two years in length or by placement into a disciplinary military unit for the same term or by imprisonment up to five years in length.

2. The same action that through negligence has given rise to any grave consequence,-

shall be punishable by imprisonment up to a ten-year term.

3. Violation of the rule on alert duty (combat service) due to a negligent or dishonest attitude thereto, that through negligence has given rise to any grave consequence,-

shall be punishable by jail time up to two years in length or by placement into a disciplinary military unit for the same term or by imprisonment up to three years in length.

**Article 393. Violation of Rule on Fulfillment of Border Service**

1. Violation of the rule on the border service by the one who enters the composition of border schedule or carries out any other border service obligation, that through negligence could have undermined national security concerns,-

shall be punishable by jail time up to two years in length or by placement into a disciplinary military unit for the same term or by imprisonment up to three years in length.

2. The same action that through negligence has given rise to any grave consequence,-

shall be punishable by imprisonment up to five years in length.

3. Violation of the rule on the fulfillment of the border service due to a negligence or dishonest attitude thereto, that through negligence has given rise to any grave consequence,-

shall be punishable by jail time up to two years in length or by placement into a disciplinary military unit up to the same term or by imprisonment up to two years in length.

**Article 394. Violation of Guard Rule**

1. Violation of the rule on guard service by a guard (watchman) that through negligence has caused a damage to the object protected by a guard (watchman),-

shall be punishable by service restrictions of a military for up to two years in length or by jail term up to six months or by placement into a disciplinary military unit for up to two years in length or by imprisonment up to the same term.

2. The same action that through negligence has given rise to any grave

consequence,-  
shall bear legal consequences of imprisonment for up to three years in length.

3. Violation of the rule on guard service due to a negligence and dishonest attitude thereto, that through negligence has given rise to a grave consequence,-  
shall carry legal consequences of imprisonment for up to one year in length.

***Article 395. Violation of Rule on Fulfillment of Service When Protecting Public Order and Insuring Public Security***

1. Violation of the rule on the fulfillment of service by the one who enters the composition of the military unit protecting public order or insuring public security, that through negligence has undermined the right or legal interest of a person,-  
shall be punishable by service restrictions of a military for up to two years in length or by jail term up to six months or by placement into a disciplinary unit for up to two years in length or by imprisonment for the same time.

2. The same action that through negligence has given rise to any grave consequence,-  
shall bear legal consequences of imprisonment ranging from two to five years in length.

***Article 396. Violation of Rule on Internal Service Regulations and Patrolling Routine in the Garrison***

Violation of internal service regulations by the person enrolled in twenty-four hour routine or violation of the rule on patrolling in the garrison by the person enrolled in patrolling routine that without due caution and circumspection has given rise to a grave consequence,-  
shall be punishable by service restrictions of a military for up to two years in length or by jail term up to six months or by placement into a disciplinary unit for up to two years in length.

**CHAPTER XLVI. CRIME AGAINST KEEPING AND MAINTENANCE OF MILITARY PROPERTY**

***Article 397. Damaging or Destruction of Military Property with Aforethought***

1. Damaging or destruction of arms, ammunition, vehicle, military equipment or any other military property with aforethought -  
shall be punishable by fine or by restriction of the service or a military for up to two years in length or by jail term up to three months or by placement into a disciplinary military unit for up to a two-year term or by imprisonment similar in length.

2. The same action that through negligence has claimed a human life or has produced any other grave consequence -  
shall bear legal consequences of imprisonment for up to five years in length.

***Article 398. Damaging or Destruction of Military Property through Negligence***

Damaging or destruction of arms, ammunition, vehicle, military equipment or any other military property through negligence that has given rise to any other grave consequence -  
shall be punishable by fine or by restriction of the service or a military for up to two years in length or by jail time up to six months or by placement into a disciplinary military unit for up to a two-year term or by imprisonment similar in length.

***Article 399. Violation of Rule on Keeping Military Property***

Violation of the rule on keeping arms, ammunition, vehicle, military

equipment or any other military property entrusted for service use that as a result of which it was lost or rendered unfit for use through negligence - shall be punishable by fine or by restriction of the service or a military for up to six months in length or by jail time up to three months or by placement into a disciplinary military unit for up to a two-year term or by imprisonment similar in length.

***Article 400. Violation of Rule on Driving or Maintenance of Vehicles***

1. Violation of the rule on driving or maintenance of a military, special or transport vehicle that through negligence has caused a serious or a less serious damage to human health - shall be punishable by jail term extending from four to six months or by placement into a disciplinary military unit for up to a two-year term or by imprisonment similar in length, be deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.
2. The same action that through negligence has claimed a human life - shall carry legal consequences of imprisonment ranging from two to seven years in length, be deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years or without it.
3. The action referred to in Paragraph 1 of this article that through negligence has claimed two or more human lives - shall bear legal consequences of imprisonment extending from four to ten years in length.

***Article 401. Violation of Piloting or Maintenance of Flying Apparatus***

Violation of piloting, pre-take-off or maintenance rules of a military flying apparatus that through negligence has claimed a human life or has produced any other grave consequence - shall bear legal consequences of imprisonment ranging from three to ten years in length.

***Article 402. Violation of Rule on Navigation and Maintenance of Vessels***

Violation of the rule on navigation or maintenance of a warship that through negligence has claimed a human life or has produced any other grave consequence - shall carry legal consequences of imprisonment ranging from three to ten years in length.

***Article 403. Violation of Rule on Handling Environmentally Vulnerable Arms***

1. Violation of the rule on handling environmentally vulnerable arms, ammunition, radioactive, explosive or other substance or object that through negligence has caused a serious or less serious damage to health, destruction of military equipment or has produced any other grave consequence - shall be punishable by restriction of the service or a military for up to two years in length or by placement into a disciplinary military unit similar in length.
2. The same action that through negligence has claimed a human life - shall bear legal consequences of imprisonment for up to five years in length.
3. The action referred to in Paragraph 1 of this article that through negligence has claimed two or more human lives - shall bear legal consequences of imprisonment for up to ten years in length.

**SECTION FOURTEEN  
CRIME AGAINST HUMANITY**

**CHAPTER XLVII. CRIME AGAINST HUMANITY, PEACE, SECURITY AND  
INTERNATIONAL HUMANITARIAN LAW**

**Article 404. Preparations for and Waging of Aggressive War**

1. Planning of or preparing for the war of aggression - shall be punishable by prison sentences ranging from seven to fifteen years in length.
2. Unleashing or waging of the war of aggression - shall be punishable by imprisonment extending from ten to twenty years in length or by life imprisonment.

**Article 405. Calling for Unleashing Aggressive War**

1. Calling the country for unleashing the war of aggression - shall be punishable by fine or by imprisonment for up to three years in length.
2. The same action perpetrated via media or by a person holding a statepolitical office - shall carry legal consequences of fine or imprisonment ranging from two to five years in length, be deprivation of the right to occupy a position or pursue a particular activity for the term not in excess of three years.

**Article 406. Production, Purchase or Sale Of Weapons of Mass Destruction**

Production, purchase or sale of the chemical, biological or other weapons of mass destruction prohibited under the International Treaty of Georgia - shall carry legal consequences of imprisonment ranging from eight to fifteen years in length.

**Article 407. Genocide**

Genocide, i.e. the action perpetrated to carry out an agreed plan for complete or partial razing of any national, ethnic, racial, religious or group united by any other mark, that has been expressed in killing members of such groups, serious health damages, intentionally created hard living conditions, forcible drop in childbearing or forcible transference of a baby from one ethnic group to another - shall be punishable by imprisonment extending from ten to twenty years in length or by life imprisonment.

**Article 408. Humanity Crime**

Humanity crime, i.e. any action perpetrated within the frames of large-scale or systematic attack on civilians or persons and expressed in murders, mass killing, deportation of humans or any other inhumane action that inflicts serious damage to the physical or mental condition of a human being - shall be punishable by imprisonment extending from ten to twenty years in length or by life imprisonment.

**Article 409. Ecocide**

Ecocide, i.e. contamination of atmosphere, land and water resources, mass destruction of flora and fauna or any other action that could have caused ecological disaster - shall be punishable by imprisonment extending from eight to twenty years in length.

**Article 410. Participation of Mercenary into Armed Conflict or Hostilities**

1. Gathering, training, bankrolling or otherwise providing materially of a mercenary, the use of such person into an armed conflict or any hostilities - shall be punishable by imprisonment extending from four to eight years in length.
2. The same action perpetrated by using one's official position or against a minor - shall be punishable by imprisonment extending from seven to fifteen years in length.
3. Participation of a mercenary into an armed conflict or any hostilities -

shall be punishable by imprisonment extending from three to seven years in length.

*Note: Mercenary shall be the one who is not a citizen of the state embroiled into the armed conflict or hostilities and acts so to receive material payment, does not permanently reside on the territory of the foregoing state, as well as the one who is not sent on a mission to carry out his/her official obligations.*

**Article 411. Deliberate Violation of the Norms of International Humanitarian Law amid Armed Conflict**

Deliberate violation of the norms of International Humanitarian Law amid any inter-state or internal armed conflict, namely;

- a) Attack on civilian population or civilians;
- b) indiscriminate attack on civilian population or civil objects when it is known that doing so will invite casualties in the civilian population or will inflict damage to civil objects;
- c) attack on the objects or installations of increased danger when it is known that doing so will invite casualties in the civilian population or will inflict damage to civil objects;
- d) attack on any unprotected area or demilitarized zone;
- e) attack on a person when it is known that this person has discontinued participation in the hostilities;
- f) malicious exploitation of the Red Cross or Red Crescent or any other protective sign or signal recognized under the International Humanitarian Law;
- g) bringing, by an aggressor state, of its civilian population, into the occupied territory or deportation or any illegal expulsion, within or outside this territory, of the civilian population or civilians of the occupied state;
- h) unfounded hindrance to the repatriation of prisoners of war or civilians;
- i) apartheid or any other inhumane action based on racial discrimination that is offensive to human dignity;
- j) attack on any historic monument, piece of art or cult place as on the part of the cultural heritage of peoples -

shall be punishable by imprisonment extending from ten to fifteen years in length.

2. Deliberate violation of the International Humanitarian Law amid any international or internal armed conflict, directed against the persons not participating in the hostilities or not having any means of defense as well as the wounded, ill, medical or spiritual personnel, sanitary units, sanitary vehicles, war prisoners, civilians or the foregoing violation, within the occupied territory or the zone of hostilities, directed against the civilian population, the persecuted, apartheid, within the zone of the hostilities, or other persons enjoying protection amid hostilities, namely:

- a) premeditated murder;
- b) torture or any other inhumane treatment, including a medical experiment;
- c) deliberately inflicting great suffering or serious trauma that poses a threat to a person's physical or mental condition;
- d) coercion of a war prisoner or any other person enjoying protection to serve in the enemy's armed forces;
- e) depriving a war prisoner or any other person enjoying protection of the right to a fair trial;
- f) deportation or any other illegal expulsion or arrest of a person enjoying protection;
- g) hostage-taking;
- h) arbitrary and large-scale distribution or misappropriation of property not due to any military necessity -

shall be punishable by imprisonment extending from fifteen to twenty years in length or by life imprisonment.

**Article 412. Intentional Violation of the Norms of International Humanitarian Law amid Armed Conflict amid Inter-State and Internal**

### ***Conflict by Endangering Life or by Mutilation***

Exposing a person enjoying protection of the government of the hostile side or the one otherwise deprived of freedom through any medical procedure which are not necessitated by such person's health condition and which do not conform with internationally recognized medical norms irrespective of such person's consent, namely:

- a) the action giving rise to mutilation;
  - b) conducting a medical or scientific experiment;
  - c) removal of the member, part of the member or tissue from a human body in order to carry out a transplantation operation -
- shall be punishable by imprisonment extending from seven to twelve years in length.

### ***Article 413. Violation of Other Norms of International Humanitarian Law***

The action which bears no signs of the offenses referred to in Article 411-e or 412-e, namely:

- a) marauding, i.e. seizing the objects of a killed or wounded person in times of hostilities as well as the property of civilians abandoned in the zone of hostilities;
  - b) exploitation of civilians for the protection of the army or objects from military operations;
  - c) application, in the military operation or armed conflict, of the means, material or weapons of mass destruction banned under international treaties;
  - d) any other war crime which are provided by the International Criminal Court Statute and which are not punishable under Articles 411-e or 412-e of this Code -
- shall be punishable by prison sentences ranging from ten to twenty years in length.

## **SECTION FIFTEEN TRANSITIVE AND CONCLUSIVE PROVISIONS**

### **CHAPTER XLVIII. TRANSITIVE PROVISIONS**

#### ***Article 415. Measures Related to Validation of This Code***

1. Be it asked to the President of Georgia to submit the Draft Law "On narcotic and Psychotropic Substances" to the Parliament of Georgia for consideration as yearly as September 7, 1999.
2. The Draft Law "On the Rule on Serving Socially Useful Labour as Sentence" shall be elaborated and considered by the Parliament of Georgia for consideration as yearly as January 1, 2001.
3. The Draft Law "On the Rule on Serving Restriction of Freedom as Sentence" shall be elaborated and considered by the Parliament of Georgia for consideration as yearly as January 1, 2001.
4. The Draft Law "On Probation Service" shall be elaborated and considered by the Parliament of Georgia for consideration as yearly as January 1, 2001. Before the said service is called into being, its functions shall be exercised by the Ministry of Justice of Georgia.
5. In case a convict was sentenced to place of employment (Article 28-e of the Criminal Code of Georgia, December 30, 1960), such sentence shall be converted into fine to the extent determined under this Code. On such occasion, the fine must not be in excess of the limits prescribed under the relevant article of the Criminal Code of Georgia.
6. In case a convict was sentenced to exile, (Subparagraph 2 of Paragraph 1), eviction (Subparagraph 3 of Paragraph 1), public reproach (Subparagraph 3 of Paragraph 1), sending to a labour-educative prophylactorium (Subparagraph 3 of Article 23-e), or deprivation of parental rights (Subparagraph 2, Paragraph 5, Article 23-e) as prescribed under Article 23-e of the Criminal Code of Georgia of November 30, 1960, such person shall be released from serving the

sentence by removing the conviction from record.

## **CHAPTER LIX. CONCLUSIVE PROVISIONS**

### ***Article 415. Validation of the Code***

1. This Code, except for Articles 44 and 47 and Chapter XXXIII, shall become valid, effective and enforceable upon February 15, 2000.
2. Article 44 shall enter into force upon the date on which the Law of Georgia "On the Rule on Serving Socially Useful Labour as Sentence" becomes effective.
3. Article 44 shall enter into force upon the date on which the Law of Georgia "On the Rule on Serving Restriction of Freedom as Sentence" enters into force.
4. Chapter XXXIII shall become valid three months after the date on which the Law of Georgia "On Narcotic and Psychotropic Substances" is put into force but not as early as February 15, 2000.
5. Criminal Code of Georgia of November 30, 1960 (Bulletin of the Supreme Council of Georgia SSR, 1961, No.1, Article 10) shall become invalid immediately after the effectiveness of this Code.

*President of Georgia Eduard Shevardnadze*

*Tbilisi*

*July 22, 1999*

*No. 2287-rs*