

**CRIMINAL CODE OF THE REPUBLIC OF  
SLOVENIA**

Ministry of Justice of the Republic of Slovenia

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### CRIMINAL CODE<sup>1</sup> (KZ)<sup>2</sup>

#### GENERAL PART

##### Chapter One FUNDAMENTAL PROVISIONS

##### No Criminal Offence and Punishment without the Statute

##### Article 1

No punishment or other penal sanction shall be imposed on any person for an offence that was not determined as a criminal offence by the statute<sup>3</sup> prior to being committed, and for which a punishment was not prescribed by the statute.

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<sup>1</sup> Official Gazette of the Republic of Slovenia, Nos. 63/94, 70/94 – correction, 23/99, 40/2004 and 95/2004 - officially consolidated text. The official title of this Code since 23 April 1999 is only "Criminal Code", until then it was the "Criminal Code of the Republic of Slovenia". Criminal Code is in Slovene "Kazenski zakonik".

<sup>2</sup> The official acronym of this Code in Slovene language is KZ.

<sup>3</sup> The term "statute" in the entire translation of this Code means formal general law (*Loi; Gesetz*), as passed by the Slovenian Parliament – National Assembly. The term statute is called in Slovene "zakon".

## Grounds for and Limits of Criminal Law Repression<sup>4</sup>

### Article 2

It shall be legitimate to determine criminal offences and to prescribe punishments only, when and to the extent that the protection of human being and other basic values cannot otherwise be assured.

### Temporal Applicability of the Criminal Statute

### Article 3

(1) The statute in force at the time the criminal offence was committed shall be applied against the perpetrator.

(2) If the statute is altered subsequent to the committing of a criminal offence (once or multiple times), the statute that is more lenient to the perpetrator shall be applied.

### No Punishment without Guilt

### Article 4

A punishment may be imposed on the perpetrator only when his guilt is established.

### Penal Sanctions

### Article 5

(1) Penal sanctions are: punishments, admonitory sanctions, safety measures and educational measures.

(2) A punishment for a criminal offence is always determined by the statute. Other sanctions from the preceding paragraph shall be imposed according to the provisions of the General Part of the present Code.

(3) Due to the commission of a criminal offence or imposed penal sanction, the confiscation of property gain and the publication of the judgment may be applied to the perpetrator under the conditions provided for by the present Code.

### Applicability of the General Part

### Article 6

The provisions of the General Part of the present Code shall apply to all criminal law provisions in the statutes of the Republic of Slovenia.

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<sup>4</sup> The Slovene term "prisila" could also be translated as "Coercion" or "Constraint" instead of "Repression".

## Chapter Two

### CRIMINAL OFFENCE AND CRIMINAL LIABILITY

#### 1. General Provisions on Criminal Offence and Criminal Liability

##### Criminal Offence

###### Article 7

A criminal offence is an unlawful act that is, due to its danger provided for by the statute, the elements of which [of a criminal offence] as well as the punishment are therein defined [in the statute].

##### The Manner of Commission of Criminal Offence

###### Article 8

- (1) A criminal offence may be committed by commission or by omission.
- (2) A criminal offence may be committed by omission only when the perpetrator has failed to perform the act which he was obliged to perform.
- (3) A criminal offence may also be committed by omission, though the criminal offence is not prescribed as omission in the statute, when the perpetrator has not prevented the prohibited consequence. In such cases, the perpetrator shall be punished for omission only if he was obliged to prevent the occurrence of the prohibited consequence and insofar as the omission for occurrence of such a consequence is of the same significance as the commission.

##### Time of Commission of Criminal Offence

###### Article 9

A criminal offence is committed at the time the perpetrator was acting or was obliged to act irrespective of when the consequence occurred.

##### Place of Commission of Criminal Offence

###### Article 10

- (1) A criminal offence is committed both in the place where the perpetrator was acting or should be acting as well as in the place where the prohibited consequence occurred.

(2) The attempt of a criminal offence shall be deemed to have been executed both in the place where the perpetrator was acting as well as in the place where, according to his intent, the prohibited consequence should or could have occurred.

### Self-Defence

#### Article 11

(1) An act committed in self-defence shall not constitute a criminal offence.

(2) Self-defence shall be understood to mean such defence that is unavoidably necessary for the perpetrator to avert an immediate and unlawful attack on himself or on another person.

(3) In the event that the perpetrator has acted beyond the limits of self-defence, his punishment may be reduced, while if he has so acted by reason of powerful excitement or fright provoked by the attack, the punishment may be remitted.

### Extreme Necessity

#### Article 12

(1) An act committed in extreme necessity shall not constitute a criminal offence.

(2) Extreme necessity shall be understood to have been established in those situations in which the perpetrator has committed an act, otherwise containing all the elements of a criminal offence, in order to avert an immediate and unprovoked danger to himself or to another person and which could not have been averted in any other manner, provided that the evil thus inflicted does not exceed the evil which threatened.

(3) A reduced punishment may be imposed on any perpetrator who, by reason of negligence, has caused the danger himself or who has exceeded the limits of extreme necessity; if the perpetrator has acted beyond the limits of extreme necessity under particularly mitigating circumstances, his punishment may be remitted.

(4) If the perpetrator was obliged to expose himself to the danger, there shall be no extreme necessity.

### Duress and Threat

#### Article 13

(1) An act committed under the influence of coercion, which the perpetrator was not able to withstand, shall not constitute a criminal offence.

(2) The preceding Article shall also apply to cases where a criminal offence has been committed either under the influence of coercion, that can be withstood, or under the influence of threat.

### Act of Minor Significance

#### Article 14

An act shall not constitute a criminal offence although it contains all the elements of a criminal offence determined by statute, if it is of low significance. The act shall be deemed to be of low significance when its danger is insignificant, due to the nature or gravity of the act, or the fact that harmful consequences are insignificant or do not exist, or due to the circumstances in which it was committed, or the low degree of criminal liability of the perpetrator or his personal circumstances.

### Criminal Liability

#### Article 15

- (1) The perpetrator is criminally liable if he is mentally competent and guilty.
- (2) The perpetrator shall be guilty if he has committed a criminal offence with intent or through negligence and he was and should have been aware that his act was prohibited.
- (3) The perpetrator shall be liable for a criminal offence through negligence only when so provided for by the statute.

### Mental Competence

#### Article 16

(1) The perpetrator who, at the time of committing an offence, was not capable of understanding the meaning of his act or of controlling his own actions owing to any permanent or temporary mental disease, temporary mental disorder or any other permanent and severe type of mental disturbance (mental incompetence), shall not be held responsible for his actions.

**Do tukaj, redakcija člena še nedokončana, 19.4.2005!**

- (2) A reduced punishment may be imposed to the perpetrator whose ability to understand the meaning of his act or to control his actions were substantially diminished due to any of the states of mind under the preceding paragraph (substantially diminished mental competence).
- (3) The perpetrator whose mental incompetence was self induced through the use of alcohol, narcotics or in some other manner shall be deemed to be criminally liable if his guilt, which constitutes a statutory element of the offence in question, is established *and it occurred prior to that*.

Intent

Article 17

A criminal offence shall be committed by intent, if the perpetrator was aware of his conduct and wanted to commit it, or if he was aware that his conduct can originate a forbidden consequence, but he acceded to it.

Negligence

Article 18

A criminal offence shall be committed by negligence if the perpetrator was aware that a forbidden consequence might result from his conduct but he nevertheless recklessly believed that he would prevent it from occurring or that it would not occur; or if he was not aware that such a consequence might occur but that he should have and could have been aware of that possibility under the given circumstances and with respect to his personal attributes.

Liability for Graver Consequences

Article 19

If a graver consequence has resulted from the committing of a criminal offence for which there is a heavier sentence provided under the statute, such a sentence may be imposed on the perpetrator on condition that he has acted negligently with respect to the occurrence of such a consequence.

Mistake of Fact

Article 20

(1) The perpetrator who, at the time of the committing of a criminal offence, was either not aware of a statutory element of such an offence or that he erroneously believed that circumstances were present which, if they were true, would justify his conduct, shall not be held to be liable under criminal law.

(2) If the perpetrator was in error due to his negligence, he shall be held liable for the committing of a criminal offence when such a degree of criminal liability constitutes a statutory element of the offence in question.

Mistake of Law

Article 21

(1) The perpetrator of a criminal offence shall not be held to be liable under criminal law if, for reasons which can be justified, he did not know that such an offence was unlawful.

(2) The court may reduce the punishment of a perpetrator who could have avoided his mistake.

## 2. Criminal Attempt

### Criminal Attempt

#### Article 22

(1) Anybody who intentionally initiated a criminal offence but did not complete it shall be punished for the criminal attempt, provided that such an attempt involved a criminal offence for which the sentence of three years' imprisonment or a heavier sentence may be imposed under the statute; attempts involving any other criminal offence shall be punishable only when so expressly stipulated by the statute.

(2) Against the perpetrator who attempted to commit a criminal offence, the sentence shall be applied within the limits prescribed for such an offence or it shall be reduced, as the case may be.

### Inappropriate Attempt

#### Article 23

If the perpetrator has attempted to commit a criminal offence by inappropriate means or to injure an inappropriate object, his sentence may be withdrawn.

## Voluntary Abandonment of Attempt

#### Article 24

If the perpetrator has commenced with the committing of a criminal offence but has voluntarily desisted from going through with it, his sentence may be withdrawn.

## 3. Participation in Criminal Offence

### Complicity

#### Article 25

If two or more persons are engaged jointly in the committing of a criminal offence by collaborating in the execution thereof or by the performance of any act representing a decisive part of the committing of the offence in question, each of these persons shall be punished according to the limits set down in the statutes for the offence in question.

### Criminal Solicitation

#### Article 26



(1) Anybody who intentionally solicits another person to commit a criminal offence shall be punished as if he himself had committed it.

(2) Anybody who intentionally solicits another person to commit a criminal offence for which the sentence of three years' imprisonment or a heavier sentence may be imposed under the statute, shall be punished for the criminal attempt even if the committing of such an offence had never been attempted.

### Criminal Support

#### Article 27

(1) Any person who intentionally supports another person in the committing of a criminal offence shall be punished as if he himself had committed it or his sentence shall be reduced, as the case may be.

(2) Support in the committing of a criminal offence shall be deemed to be constituted, in the main, by the following: counselling or instructing the perpetrator on how to carry out the offence; providing the perpetrator with instruments of crime; the removal of obstacles for the committing of crime; a priori promises to conceal the crime or any traces thereof; concealment of the perpetrator, instruments of crime or objects gained through the committing of crime.

### Punishability of Those Soliciting or Supporting a Criminal Attempt

#### Article 28

If the perpetration of a criminal offence falls short of the intended consequence, those soliciting or supporting the criminal attempt shall be punished according to the prescriptions that apply to the criminal attempt.

### Limits of Criminal Liability and Punishability of Accomplices

#### Article 29

(1) The accomplice in crime shall be liable within the limits of his intent or negligence, while those soliciting and supporting are liable within the limits of their respective intents.

(2) If the accomplice, the person soliciting or the person supporting the criminal attempt has voluntarily prevented the intended criminal offence from being accomplished, his sentence may be withdrawn.

(3) Personal relations, attributes and circumstances on the basis of which criminal liability is excluded or sentence is withdrawn, reduced or extended, shall be taken into consideration only

with respect to the accomplice, the person soliciting or the person supporting the criminal attempt in whom such relations, attributes and circumstances inhere.

#### 4. Special Provisions on Prosecution of Criminal Offences Committed Through Public Media

##### Punishability of Editor-in-Chief

###### Article 30

(1) If a criminal offence has been committed through a newspaper or another periodical printed publication, or through radio, television or newsreel, the editor-in-chief or a person acting as his deputy at the time of the release of information shall be punished:

1) if the author of such information has remained unknown until the conclusion of the trial before the court of the first instance;

2) if such information was released without the author's approval;

3) if factual or legal obstacles for the prosecution, which existed at the time of the release of information, have not ceased to exist.

(2) The editor-in-chief or a person who acted as his deputy, can be punished within the limits of the punishment, as is prescribed for the criminal offence, but can also be punished less severe.

(3) The editor-in-chief or a person who acted as his deputy shall not be punished if he had justified reasons for not knowing either about some of the circumstances stated in the first paragraph of the present Article or about the released information by means of which the criminal offence in question was committed.

##### Punishability of Publisher, Printer and Manufacturer

###### Article 31

(1) Under conditions set forth in the preceding Article:

1) the publisher shall be punished for a criminal offence committed through a non-periodical printed publication. In his absence, or in the case of factual or legal obstacles barring his prosecution, the printer shall be punished for the same offence, provided that he was aware of the existence of such an offence.

2) for a criminal offence committed via gramophone record, magnetic tape, film intended for public or private presentation or through slides, photograms and other video and audio devices intended for a greater number of persons and through similar mass media, the manufacturer shall be punished.

(2) If the publisher, printer or manufacturer constitutes a legal person or a state body, the person responsible for the publishing, printing or manufacturing activities of such a legal person or state body shall be punished.

(3) The provisions of the second and third paragraphs of the preceding article shall apply to the publisher, printer and manufacturer as well.

## Application of General Provisions on Criminal Liability

### Article 32

The provisions on the punishability of persons under Articles 30 and 31 of the present Code shall be applied, unless such persons are liable under the general provisions on criminal liability of the present Code.

## 5. Punishability of Legal Persons

### Liability of Legal Persons<sup>5</sup>

#### Article 33

(1) The liability of a legal person for criminal offences, which the perpetrator commits in its name, on its account or in its favour, shall be provided for by statute.

(2) Punishments, admonitory sanctions and safety measures, as well as the legal consequences of the conviction with respect to a legal person, shall be provided for by statute.

(3) Criminal offences for the commission of which a legal person may be liable, shall be provided for by statute.

(4) Special provisions governing the criminal proceedings against a legal person shall be provided for by statute.

## Chapter Three

### PUNISHMENTS

#### 1. Types of Punishments and Conditions for Imposition Thereof

##### Types of Punishments

#### Article 34

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<sup>5</sup> A special Act providing for the liability of legal persons for criminal offences, other provisions regarding types of sentences, procedural rights for the accused legal entities has been passed by the National Assembly of the Republic of Slovenia on 8 July 1999 - Liability of Legal Persons for Criminal Offences Act (Official Gazette of the Republic of Slovenia, No. 59/99 and 12/2000 - correction). The official title of this Act in Slovene is »Zakon o odgovornosti pravnih oseb za kazniva dejanja«. The official acronym of that Act in Slovene is: ZOPOKD.

The following types of punishments may be imposed on perpetrators committing criminal offences:

- 1) imprisonment
- 2) fine;
- 3) ban on driving the motor vehicle;
- 4) deporting of foreign citizen from the country.

#### Principal and accessory punishments

##### Article 35

- (1) A term of imprisonment may only be imposed as a principal sentence.
- (2) A fine may be imposed both as a principal and as an accessory sentence.
- (3) The ban on driving the motor vehicle as well as the deporting of a foreign citizen from the country may only be imposed as an accessory sentence to imprisonment, fine or suspended sentence.
- (4) One or more sentences may be imposed as accessory to the principal sentence.

#### Legality in Imposing of Punishments

##### Article 36

- (1) The sentence prescribed for the perpetration of a criminal offence shall be imposed on the perpetrator of such an offence; a reduced or extended sentence may only be imposed under conditions laid down by the present Code.
- (2) For criminal offences committed out of greed, a fine may be imposed as an accessory sentence even when it is not expressly prescribed by the statute or in cases where imprisonment and fine are prescribed as alternatives and the court has decided to impose imprisonment as the principal sentence.

#### Punishment to Imprisonment

##### Article 37

- (1) A punishment to imprisonment may be imposed for a term not shorter than fifteen days and not longer than fifteen years.
- (2) The punishment of thirty years' imprisonment may alternatively be prescribed for the most serious criminal offences committed by intent.
- (3) The punishment of twenty years' imprisonment may be imposed under the conditions from Article 46 and Article 47, paragraph 2, subparagraph 2 of this Code.

(4) In prescribing a punishment to imprisonment for a term of not more than two years, the statute shall not prescribe the minimum term for which the punishment may be imposed.

(5) A punishment to imprisonment shall be determined in full years and months, unless its term does not exceed a period of six months, in which case it may be determined in full days.

#### Fines

#### Article 38

(1) A fine shall be imposed in daily amounts and shall range from a minimum of five to a maximum of three hundred and sixty daily amounts, except for criminal offences committed out of greed, where it may total a maximum of one thousand five hundred daily amounts.

(2) The number of daily amounts shall be fixed by the court in accordance with the general rules on sentencing. The court shall fix the daily amount by taking into account the perpetrator's daily income computed on the basis of three months' net salary and other incomes, as well as with respect to his family expenditure. In fixing the daily amount, the court shall base its decision on data not older than six months.

(3) In exceptional cases, circumstances relating to the preceding paragraph which are important for fixing the daily amount may be assessed by the court itself.

(4) The lowest daily amount shall amount to one sixtieth of the last officially published average net salary in the Republic of Slovenia, while the highest shall amount to one third thereof.

(5) The period of fine in which a fine is to be paid shall be specified in the judgment. Such a period may not be shorter than fifteen days and not longer than three months. Under justifiable circumstances, the court may permit the perpetrator to pay his fine by instalment, where the term of payment shall not exceed two years.

(6) In the event that a fine may not be collected, the court shall enforce it by applying a prison sentence so that each two daily amounts of a fine shall be converted into one day of imprisonment, with the proviso that the so determined term of imprisonment shall not exceed six months.

(7) If the perpetrator has paid only a portion of his fine, the remaining amount shall be converted into imprisonment, the enforcement of which is to be discontinued upon payment of the remainder.

#### Ban on driving the motor vehicle

#### Article 39

(1) The court may impose a ban on driving of motor vehicles of a certain type or category to any perpetrator who has committed a criminal offence against the security of public traffic.

(2) The court shall determine the duration of a period of the punishment from the previous paragraph; this may extend from a minimum of three months to a maximum of one year, to run from the day the judgment is final. Time spent in prison or in a health institution for medical treatment and protection shall not be counted into a period of duration of that punishment.

(3) When a punishment from the first paragraph of the present Article is being imposed on a person holding a driving license issued by a foreign country, the punishment shall prohibit the perpetrator only from using such a driving license in the territory of the Republic of Slovenia.

### Deporting of Foreign Citizens From the Country

#### Article 40

(1) The court may deport a foreign citizen from the territory of the Republic of Slovenia for a period ranging from one to ten years.

(2) The period of banishment shall run from the day the judgment is passed. Time spent in prison shall not be credited towards such a sentence.

### 2. Sentencing

#### General Rules on Sentencing

#### Article 41

(1) The perpetrator shall be sentenced for a criminal offence within the limits of the statutory terms provided for such an offence and with respect to the gravity of his offence and his culpability.

(2) In fixing the sentence the court shall consider all circumstances which have an influence on the grading of the sentence (mitigating and aggravating circumstances) and in particular: the degree of the perpetrator's culpability; the motives for which the offence was committed; the intensity of the danger or injury caused to the property protected by law; the circumstances in which the offence was committed; the perpetrator's past behaviour; his personal and pecuniary circumstances; his conduct after the committing of the offence and especially whether he recovered the damages caused by the committing of the criminal offence; and other circumstances referring to the personality of the perpetrator.

(3) In fixing the sentence of a perpetrator who committed a criminal offence after he had already been convicted or had served his sentence, or after the implementation of his sentence had been barred by time, or after his sentence has been remitted (recidivism), the court shall pay particular attention to whether the earlier offence is of the same type as the new one, whether both offences were committed for the same motive and to the time which has lapsed since the former conviction or since the serving, withdrawing, remitting or barring of the sentence.

## Reduction of Sentence

### Article 42

The court may fix the sentence of the perpetrator within the limits of statutory terms or may apply a less severe type of sentence under the following conditions:

- 1) if the possibility of a reduced punishment is provided for by the statute;
- 2) if the court ascertains that special mitigating circumstances are present which justify the imposition of a reduced sentence;
- 3) if the perpetrator of criminal offences committed within a criminal association prevents the further commission of such offences or if they disclose information which has a bearing on the investigation and proving of criminal offences already committed.

## Limits of the Reduction of Sentence

### Article 43

When conditions for the reduction of a sentence, as outlined in the preceding paragraph, are met, the sentence shall be reduced within the following limits:

- 1) if a prison sentence for a term of three years or more is prescribed as the lowest limit for a specific offence, such a limit may be lowered by one year of imprisonment;
- 2) if a prison sentence for a term of one year is prescribed as the lowest limit, such a limit may be lowered to three months of imprisonment;
- 3) if a prison sentence for a term of less than one year is prescribed as the lowest limit, such a limit may be lowered to fifteen days of imprisonment
- 4) if a prison sentence is prescribed as the lowest limit without the statutory terms being determined, a fine may be imposed in place of the prison sentence.

## Remission of sentence

### Article 44

(1) The court may remit a sentence when it is so expressly provided for by the statute.

(2) In cases when the court is entitled to remit the sentence, it need not apply the provisions prescribing the limits of the reduction of the sentence.

## Special Grounds for the Remission of Sentence

### Article 45

The court may remit the sentence of the perpetrator who committed a criminal offence through negligence if the consequences of such an offence harmed him to such an extent that the imposition of a sentence would obviously not be justified.

## Extended Sentence in Cases of Multirecidivism

Article 46

(1) In the event of the perpetrator intentionally committing a criminal offence for which the imposition of a prison sentence is prescribed by the statute, the court may extend the term of his sentence under the following circumstances:

- 1) if the perpetrator has been sentenced to more than one year's imprisonment for the intentional committing of criminal offences of the same type at least twice before;
- 2) if less than five years has passed from the day when he was discharged from the penal institution where he served his previous sentence and from the day of the committing of the criminal offence in question;
- 3) the extended sentence may neither exceed the double limit of the terms of the prison sentence nor may it be passed for a period of less than fifteen days.

(2) In deciding whether to extend the prison sentence, the court shall consider in particular the similarity of the offences committed, the motives for which these offences have been committed as well as any other circumstances which indicate that the perpetrator is likely to recommit such offences.

Concurrence of Criminal Offences

Article 47

(1) If the perpetrator is being tried for two or more criminal offences simultaneously, the court shall first determine the sentence for each offence concerned and thereafter shall impose a combined sentence for all criminal offences in concurrence.

(2) The combined sentence shall be imposed under the following conditions:

- 1) if the sentence of imprisonment for a term of twenty years has been determined for any of the concurrent offences, the combined sentence shall contain only this sentence;
- 2) if the sentence of imprisonment has been determined for all the concurrent offences, the combined sentence shall exceed each sentence determined for a particular offence but may neither exceed the total sum of all sentences imposed for the concurrent offences nor may it total more than fifteen years of imprisonment;
- 3) if a prison sentence for a term not exceeding three years is prescribed by the law for all the concurrent criminal offences, the combined sentence shall not exceed a term of eight years; .
- 4) if a fine has been fixed for all the concurrent criminal offences, the court shall increase the amount of the fine whereby it may neither exceed the total sum of fines fixed for each concurrent offence nor the total of three hundred and sixty daily amounts; if any of the criminal offences have been committed out of greed, the increased fine may not exceed the total of one thousand five hundred daily amounts;
- 5) if a prison sentence has been determined for some criminal offences and a fine for others, a single combined sentence of imprisonment and a single compound fine shall be imposed under subparagraphs 2, 3 and 4 of the present paragraph;
- 6) if more than one accessory sentence has been fixed for more than one criminal offence of the same type, a compound accessory sentence shall be imposed with the proviso that it shall exceed neither the total sum of the aforementioned sentences nor the maximum limit provided for the sentence in question.



(3) If a prison sentence for a term of ten years has been determined for at least two concurrent criminal offences, a combined prison sentence of twenty years may be imposed.

(4) The accessory sentence shall be imposed on the perpetrator even if it be prescribed for only one of the concurrent criminal offences; if more than one fine has been fixed, a single compound fine shall be imposed under subparagraph 4 of the second paragraph of the present Article.

(5) If the perpetrator has been simultaneously sentenced to imprisonment and to juvenile detention, the combined prison sentence shall be imposed in accordance with the principles laid down in subparagraphs 1, 2 and 3 of the second paragraph of the present article.

### Sentencing of Perpetrators

#### Article 48

(1) In the event of an perpetrator being tried for a criminal offence committed either prior to the commencement of or during the serving an earlier sentence in prison or juvenile detention center, a combined sentence shall be imposed on him for all criminal offences under the provisions of the preceding article. In imposing such a sentence, the court shall take into account the fact that his former sentences have already been fixed. The sentence, or any part of which the perpetrator has already served, shall be counted as a part of the sentence imposed.

(2) For a criminal offence committed during the period of the serving of a sentence in prison or juvenile detention centre, the perpetrator shall be sentenced irrespective of earlier sentences if the application of provisions from the preceding paragraph would lead to an unreasonably short term left to be served.

(3) A disciplinary sanction shall be imposed on an perpetrator who, during the period of his serving a sentence in prison or juvenile detention centre, committed a criminal offence for which a fine or imprisonment for a term not exceeding one year is prescribed by the statute.

### Credit of Time Spent in Detention and of Imprisonment Served Under the Earlier Sentence

#### Article 49

(1) Time spent on remand shall be counted as a part of the sentence of imprisonment or juvenile detention or shall be credited towards a fine.

(2) If criminal proceedings are initiated against the perpetrator for committing more than one criminal offence when he has not been detained for any of these offences, the time spent on remand shall be counted as part of the sentence of imprisonment, juvenile detention or fine imposed for the criminal offence.

(3) A term of imprisonment, a fine or any other penal sanction which the perpetrator has served for committing a petty offence as well as any prison term or term of detention applied for the violation of military discipline shall be counted as part of the sentence, provided that the elements of criminal conduct also constitute a petty offence or a violation of military discipline.

(4) One day of remand, one day of confinement, one day of juvenile detention and one day of imprisonment shall have the same credit as part of the sentence as two daily instalments of the fine or SIT 10.000,00.

## Chapter Four

### ADMONITORY SANCTIONS

#### 1. Suspended sentence

##### General Provisions on Suspended Sentences

##### Article 50

(1) Under conditions set forth by the present Code, a suspended sentence may be applied by the court against the perpetrator of a criminal offence instead of a sentence.

(2) In applying a suspended sentence, the court shall pass a sentence which it will not carry out unless the perpetrator, within a term of not less than one and not more than five years (the term of suspension), commits a further criminal offence, depending on the court's decision

(3) The court may condition the suspension of the sentence upon the restitution by the perpetrator of property gained through the committing of the criminal offence, the indemnification for damages caused by the offence, or the performance of other obligations prescribed under the provisions of the Criminal Law. The time for the fulfilment of such obligations shall be determined by the court within the limits of the term of suspension.

(4) Safety measures applied in addition to the suspended sentence shall be enforced.

##### Suspension of Sentence

##### Article 51

(1) The court may suspend the sentence when the perpetrator has been punished by imprisonment for a term not exceeding two years or by a fine.

(2) Sentence may not be suspended for criminal offences for which a prison sentence for a term of more than three years is prescribed by the statute.

(3) The court shall suspend a sentence if, in considering the personality of the perpetrator, his past behaviour, his conduct after committing the offence, his degree of criminal liability and

other circumstances under which the offence was committed, it comes to the conclusion that it is reasonable to expect that the perpetrator will not commit any further criminal offence.

(4) If the suspended sentence includes any accessory sentences, the court may decide that such sentences are to be carried out.

#### Revoking of Suspended Sentence Due to Further Criminal Offence

##### Article 52

(1) A suspended sentence shall be revoked if, during the term of suspension, the perpetrator commits one or more criminal offences for which the court has imposed a prison sentence of not less than two years,

(2) In the event of the perpetrator committing one or more criminal offences during the term of suspension, for which a prison sentence or fine has been imposed, the court shall decide whether to revoke the suspension after considering all the circumstances referring to the offences committed and to the perpetrator, and in particular the similarity of the crimes committed, their significance and the motives for which they were committed. In so acting, the court shall be bound by the proviso that no sentence shall be suspended if, for criminal offences decided in the judgment involving a suspended sentence and for criminal offences committed anew, the perpetrator is punished by more than two years of imprisonment (the first paragraph of the preceding article).

(3) In cases involving the revoking of a suspended sentence, the court shall impose a combined sentence which takes into account the criminal offences committed earlier as well as the new offences, in accordance with Article 47 of the present Code, whereby it shall presume the sentence contained in the revoked suspended sentence to be already fixed.

(4) In the event of the court not revoking a suspended sentence, the same sentence may be imposed for the new criminal offence. If a suspended sentence is decided for the new criminal offence, the court, applying Article 47 of the present Code, shall determine a combined sentence for the earlier and the new offence as well as a new term of suspension of not less than one and not more than five years, running from the day of the judgment. If the perpetrator is sentenced to imprisonment for committing a new criminal offence, the period of time spent in serving such a sentence shall not be credited towards the term of suspension determined by the suspended sentence for the previous criminal offence.

#### Revoking of Suspended Sentence Due to Preceding Criminal Offence

##### Article 53

(1) The court shall revoke a suspended sentence when, after pronouncing it, it finds that the perpetrator had committed a criminal offence prior to being given a suspended sentence and when it considers that there would not have been sufficient reasons for the imposition of such a

sentence had the existence of the prior offence been known. In such a case the court shall apply the provisions contained in the third paragraph of the preceding Article.

(2) In the event of the court not revoking the suspended sentence, it shall act according to the provisions contained in the fourth paragraph of the preceding article.

#### Revoking of Suspended Sentence Due to Non-performance of Obligations Imposed

##### Article 54

If the performance of some obligation contained in Article 50 of the present Code has been imposed on the perpetrator under the terms of the suspended sentence and if he fails to fulfill such an obligation within the period of time determined by the judgment, the court may either prolong the time for the discharge of such an obligation or revoke the suspended sentence. If the court finds that the perpetrator is not able to perform the obligation imposed under the terms of the sentence for justified reasons, the requirement of the performance of such an obligation may be withdrawn or substituted by another obligation (as specified by the law) which the court considers more appropriate.

#### Time Limit for the Revoking of Suspended Sentence

##### Article 55

(1) A suspended sentence may be revoked during the term of suspension. If the perpetrator commits a criminal offence entailing the revoking of the suspended sentence during this term and the committing of the criminal offence is established by a judgment passed after the expiry of the term of suspension, the suspended sentence may be revoked within a period of one year beginning from the day the term of suspension expired.

(2) If the perpetrator fails to discharge the obligation imposed under Article 50 of the present Code within the prescribed time, the court may, within a period of one year beginning from the expiry of the term of suspension, revoke the suspended sentence.

## 2. Suspended Sentence With Custodial Supervision

### Custodial Supervision

##### Article 56

(1) Under conditions provided for by the present Code, the court may decide that the perpetrator who is given a suspended sentence has to undergo custodial supervision for a certain period of time during the term of suspension.

(2) Custodial supervision shall involve assistance, supervision and custody provided for by the statute.

(3) If the perpetrator for whom custodial supervision has been ordered does not perform the obligations imposed by the court, he may be admonished, his former obligations may be replaced with others, custodial supervision may be prolonged within the limits of the term of suspension, or the suspended sentence may be revoked.

### Conditions for Application of Custodial Supervision

#### Article 57

(1) Custodial supervision shall be applied by the court when it reaches the opinion that, during the term of suspension, the implementation of such a measure is appropriate (second paragraph of the preceding article).

(2) When the court assesses that custodial supervision is no longer required, it may order such a measure to be discontinued even before the expiry of the term of suspension.

### Selection of Instructions

#### Article 58

(1) In applying custodial supervision, the court may also issue one or more instructions, according to which the perpetrator has to behave.

(2) In selecting these instructions, the court shall in particular consider the age of the perpetrator, his psychological characteristics, the motives for which he committed the crime, his personal circumstances, his past behaviour, the circumstances under which the crime was committed as well as his conduct after committing the crime. The choice of instructions must not in any way affect the human dignity of the perpetrator and must not cause him unreasonable hardship.

(3) The court's instructions may include the following tasks to be performed by the perpetrator;

- 1) to submit himself to a course of medical treatment at an appropriate institution;
- 2) to attend sessions of vocational, psychological or other consultation;
- 3) to qualify for a job or to take up employment suitable to his health, skills and inclinations;
- 4) to spend income according to the duties relating to family support obligations.

(4) Upon a proposal made by a consultant or by the perpetrator, the court may ex officio modify or repeal the instructions.

### Activity of Guardian

#### Article 59

(1) Custodial supervision shall be exercised by a guardian appointed by the court.

(2) The guardian shall provide assistance to the perpetrator and supervise his compliance with the court's instructions. In so acting, the guardian shall be under obligation:

- 1) to provide aid and supervision as well as to give directions and practical advice to the perpetrator on how to comply with the court's instructions, with a view of preventing the perpetrator from committing further criminal offences;
- 2) to perform duties under the previous subparagraph and to maintain relations with the perpetrator in a careful and convenient manner;
- 3) from time to time to report to the court on the exercising of custodial supervision and to propose appropriate modifications or repealing of instructions or the discontinuation of custodial supervision,

### Consequences of Non Compliance With Instructions

#### Article 60

If the perpetrator does not comply with the instructions during the term of suspension, or if he avoids relations with the appointed guardian, the court may either admonish him, modify the instructions, prolong the custodial supervision within the limits of the term of suspension or revoke the suspended sentence.

### 3. Judicial Admonition

#### Conditions for Application of Judicial Admonition

#### Article 61

- (1) A judicial admonition may be applied for a criminal offence for which a fine or a prison sentence not exceeding one year is prescribed, provided that such an offence has been committed in particularly mitigating circumstances.
- (2) Under conditions set forth by the present Code, a judicial admonition may be applied for certain criminal offences, even if punishable by imprisonment for a term not exceeding three years.
- (3) The court shall administer a judicial admonition for one or more criminal offences committed in concurrence, provided that conditions under the first and the second paragraph of the present Article are met in each of them.
- (4) In deciding whether to apply a judicial admonition, the court shall take into account the personality of the perpetrator, his past behavior, his conduct after committing the criminal offence, the degree of his criminal liability and other circumstances under which the offence was committed.

## Chapter Five

## SAFETY MEASURES

### Types of Safety Measures

#### Article 62

The following safety measures may be ordered for perpetrators of criminal offences:

- 1) compulsory psychiatric treatment and custody in an appropriate institution;
- 2) compulsory psychiatric treatment in the community;
- 3) compulsory treatment of persons addicted to alcohol and drugs;
- 4) barring from performing occupation;
- 5) confiscation (forfeiture?) of driving license;
- 6) confiscation (forfeiture?) of objects;

### Conditions for Application of Safety Measures

#### Article 63

(1) The court may apply one or more safety measures to the perpetrator of a criminal offence, when the statutory conditions for their application are met.

(2) Compulsory treatment and detention in an appropriate institution as well as compulsory psychiatric treatment shall be ordered for a perpetrator deemed not to be responsible for his actions, notwithstanding the imposition of any other criminal sanction, Beside these two measures, the court may also bar the perpetrator from performing his occupation or may confiscate his driving license as well as order the confiscation of objects.

(3) The confiscation of a driving license and the confiscation of objects may be ordered for the perpetrator when a prison sentence, a suspended sentence or a judicial admonition has been imposed on him, as well as in the case of the withdrawal of a sentence.

(4) The compulsory treatment of persons addicted to alcohol and drugs as well as barring them from performing an occupation may be ordered when the perpetrator has been sentenced to imprisonment or when such a sentence has been suspended.,

### Compulsory Psychiatric Treatment and Detention in Health Institution

#### Article 64

(1) Compulsory psychiatric treatment and detention shall be ordered for the perpetrator who commits a criminal offence in a state of insanity or diminished responsibility, if, considering the gravity of the offence and the gravity of the perpetrator's mental disturbance, the court has ascertained that the perpetrator might commit serious criminal offences against life, limb, sexual integrity or property if he were at liberty and that such danger can be avoided only by, means of medical treatment and detention in a health institution.

(2) The discharge of the perpetrator from the health institution shall be ordered by the court upon its determining that treatment and detention are no longer necessary. After the lapse of each consecutive period of one year, the court shall decide whether further treatment and custody are necessary.

(3) The measure outlined in the first paragraph of the present article may be ordered for a perpetrator deemed not to be responsible for his actions for a term not exceeding ten years.

(4) The perpetrator who commits a criminal offence in the state of diminished responsibility and is sentenced to imprisonment shall be discharged from the health institution when the stipulated term has expired. The period of time spent in a health institution shall be counted towards the serving of the sentence. If such a period is shorter than the term of the sentence, the court may order the perpetrator either to serve the remaining period of his sentence or to be released on parole. In deciding whether to release the perpetrator on parole, the court shall consider in particular the success of the treatment, his health situation, the time he has spent in the health institution and the time remaining to be served of the sentence.

### Compulsory Psychiatric Treatment in the Community

#### Article 65

(1) Compulsory psychiatric treatment in the community shall be ordered for the perpetrator who commits a criminal offence in a state of diminished responsibility when the court has ascertained that such a measure is necessary and represents a sufficient guarantee that he will not commit further serious criminal offences.

(2) Compulsory psychiatric treatment in the community may also be ordered for the perpetrator whose responsibility was temporarily diminished at the time of committing the criminal offence and who has been released on parole under the provision outlined in the fourth paragraph of the preceding article.

(3) Compulsory psychiatric treatment in the community may be ordered for a term not exceeding two years. After a period of one year, the court shall consider whether further compulsory psychiatric treatment is necessary.

(4) If the perpetrator is not willing to undergo treatment in the community or if he gives up the treatment of his own free will or if the treatment does not prove successful, the court may, under conditions outlined in the first paragraph of the preceding article, order the measure in question to be exercised in an appropriate health institution. In such a case, the term of treatment may also not exceed two years. After a period of one year, the court shall consider whether further compulsory treatment is necessary.

### Compulsory Treatment of Persons Addicted to Alcohol and Drugs

#### Article 66



(1) The court may order compulsory medical treatment for the perpetrator who committed a criminal offence due to his addiction to alcohol or drugs and is deemed likely to commit further offences.

(2) The measure outlined in the preceding paragraph may be carried out in a penal or health institution. Time spent in the health institution shall be credited towards the serving of the sentence.

(3) When pronouncing a suspended sentence, the court may order the perpetrator to submit himself to treatment at liberty, whereby, in particular, his willingness to do this shall be taken into account. If the perpetrator either does not commence his treatment with good reason or gives up the same by his own free will, the court may revoke the suspended sentence.

(4) If the measure in question has been ordered in addition to the sentence of imprisonment, it may be exercised as long as the sentence is served, while if it has been ordered within the terms of a suspended sentence, it may not last for more than two years,

### Barring from Performing a Occupation

#### Article 67

(1) The court may bar the perpetrator of a criminal offence from performing a certain occupation, certain independent activity or some duty if he has abused his occupation, position, activity or duty for commission of a criminal offence and if the court concludes that it is probable that his further performing of such an activity would therefore be dangerous.

(2) The court shall determine the length of the measure outlined in the preceding paragraph. This may not be ordered for less than one year and for not more than five years, running from the day the decision became final, whereby the time spent in prison or in a health institution for treatment and protection shall not be credited towards the term of such a measure.

(3) When pronouncing a suspended conviction, the court may order that such a conviction be revoked if the perpetrator violates the terms of the bar from performing his occupation.

(4) The court may order that this safety measure be repealed when a period of two years has expired dating from the day the measure commenced. The court may decide upon that following a request from the convicted person if it considers that reasons for the imposition of this measure have ceased to exist.

### Confiscation of Driving License

#### Article 68

(1) The court may confiscate a license for the operation of a motor vehicle of a certain type or category and order that a new driving license not be issued to the perpetrator within a period of not less than one and not more than five years. If the perpetrator holds no driving license, the court may order that a license not be issued to him.

(2) The court shall administer such a measure if it ascertains that the perpetrator's further presence in public traffic would cause danger, owing to his inability to operate a motor vehicle.

(3) The driving license shall cease to be valid from the time the judgment is passed. Time served in prison or spent in a health institution for treatment and protection shall not be counted as part of the duration of such a measure.

(4) After the expiry date determined by the court within the statutory limits, the perpetrator may obtain a new driving license under the general conditions applying to obtaining particular types of driving licenses.

(5) According to the decision of the court and at the end of a period of two years dating from the commencement of the implementation of the safety measure in question, such a measure may be terminated and the perpetrator may be issued a new driving license. The court may so decide upon the request from the perpetrator if it considers that reasons for the imposition of such a measure no longer exist.

#### Confiscation of Objects Gained Through the Committing of Criminal Offence

##### Article 69

(1) Objects used or intended for use or gained through the committing of a criminal offence may be confiscated if they belong to the perpetrator.

(2) Objects under the preceding paragraph may be confiscated even when they do not belong to the perpetrator if that is required for reasons of general security or morality and if the rights of other persons to claim damages from the perpetrator are not thereby affected.

(3) Compulsory confiscation of objects may be provided for by the statute even if the objects in question do not belong to the perpetrator.

#### Chapter Six

### EDUCATIONAL MEASURES AND SENTENCES FOR JUVENILE PERPETRATORS

#### 1. General Provisions

##### Applicability of Special Penal Provisions For Juvenile Perpetrators

##### Article 70

(I) The provisions of the present chapter shall apply to juvenile perpetrators, while other provisions of the present Code shall be applicable insofar as they are in congruence with special provisions relating to juvenile perpetrators.

(2) Under conditions set forth in the present chapter, special provisions applicable to juvenile perpetrators shall also apply to adult perpetrators tried for criminal offences which they had committed as juvenile perpetrators. In exceptional cases, such provisions may also be applied to adult perpetrators for criminal offences they had committed as young adults.

### Exclusion of Criminal Sanctions Against Children

#### Article 71

Criminal sanctions shall not be applied against youths under age of fourteen (children) at the time the criminal offence was committed.

### Criminal Sanctions Against Juvenile Perpetrators

#### Article 72

(1) Against a juvenile perpetrator who, at the time of committing the criminal offence had reached the age of fourteen but had not yet reached the age of sixteen (minor), only educational measures may be applied.

(2) Under conditions laid down in the present Code, educational measures may be applied against a juvenile perpetrator who by the time of committing of the criminal offence had reached the age of sixteen but had not yet reached the age of eighteen (older minor).

(3) In exceptional cases, a fine or juvenile detention may be imposed on a young adult who is found criminally liable; in addition to this, the revoking of a driving license and banishment from the country may be passed as accessory sentences.

(4) In the event of an educational measure, a fine or juvenile detention being imposed on a juvenile perpetrator, all safety measures, except the bar from performing an occupation, may also be administered.

### Purpose of Educational Measures and Sentences For Juvenile Perpetrators

#### Article 73

The purpose of educational measures and sentences imposed on juvenile perpetrators shall be to ensure their education, reform and proper personal development so as to provide custody, assistance, supervision, vocational education and support in helping them to develop a responsible personality.

## 2. Educational Measures

### Types of Educational Measures

#### Article 74

(1) Educational measures shall include;

- 1) reprimands;
- 2) instructions and prohibitions;
- 3) supervision by social services;
- 4) committal to an educational institution;
- 5) committal to a juvenile detention centre;
- 6) committal to an institution for physically or mentally handicapped youth.

(2) Reprimands, instructions and prohibitions or supervision by the social services shall be administered by the court to a juvenile perpetrator when his attention needs to be drawn to the impropriety of his behaviour and when his education, reform and proper development in his former environment need to be ensured through measures lasting a shorter time and involving appropriate professional guardianship.

(3) Committal to an educational institution, to a juvenile detention centre or to an institution for physically or mentally handicapped youth (institutional measures) shall be administered by the court to juvenile perpetrators who need to undergo educational, reform or institutional measures of a longer duration and who need to be wholly or partly separated from their former environment. Institutional measures shall be applied only when the purposes of educational measures cannot otherwise be achieved. The implementation of such measures may be ordered within the limits prescribed by the statute and may continue only as long as is necessary for the purposes of educational measures to be achieved.

### Selection of Educational Measures

#### Article 75

In selecting the appropriate educational measure, the court shall take into account the age of the juvenile perpetrator and the degree of his mental development, his psychological characteristics, his inclinations, the motives for which he committed the crime, his former education, environment and living conditions, the gravity and nature of the crime, whether he has a criminal record, as well as any other circumstances relevant to the selection of the most appropriate educational measure.

#### Reprimands

#### Article 77

(1) A reprimand may be administered to a juvenile perpetrator when the court assesses that such a measure suffices for the achievement of the purposes of educational measures.

(2) In administering a reprimand, the court shall tell the juvenile perpetrator why his behaviour was wrong and shall warn him that, if he re-offends, a more severe punishment may have to be imposed on him.

## Instructions and Prohibitions

### Article 77

- (1) One or more instructions or prohibitions may be issued by the court to the juvenile perpetrator if he is deemed to be most appropriately dealt with by such measures.
- (2) The court may issue following instructions and prohibitions to a juvenile perpetrator:
- 1) to make a personal apology to the injured person;
  - 2) to reach a settlement with the injured person by means of payment, work or otherwise in order to recover the damages caused in the course of committing the offence.
  - 3) regular attendance at school;
  - 4) to take up a form of vocational education or to take up a form of employment suitable to the perpetrator's knowledge, skills and inclinations;
  - 5) to live with a specified family or in a certain institution, etc.;
  - 6) to perform community service or work for humanitarian organisations;
  - 7) to submit himself to treatment in an appropriate health institution;
  - 8) to attend sessions of educational, vocational, psychological or other consultation; 9) to attend a course of social training;
  - 10) to pass an examination on the traffic regulations;
  - 11) under conditions applying to adult perpetrators, prohibition from operating a motor vehicle may be enforced;
- (3) In selecting instructions and prohibitions, the court shall, in general, take into account the perpetrator's willingness to co-operate.
- (4) Instructions and prohibitions may not be issued for a term exceeding one year.
- (5) The court may modify or repeal the instructions and prohibitions in the course of their implementation when this may facilitate the achievement of the purposes of educational measures.
- (6) Within the scope of the instruction referred to in subparagraph 2 of the second paragraph of the present article, the court shall determine the extent, type and method of the recovery of damages; the work performed by the perpetrator in a three month period may not exceed sixty hours and shall be time-tabled so as not to interfere with the perpetrator's attendance at school or at work.
- (7) Within the scope of the instruction referred to in subparagraph 6 of the second paragraph of the present article, the court shall order the perpetrator to perform work up to a maximum of one hundred and twenty hours within a six month period; such work may not interfere with his attendance at school or at work.
- (8) The court shall issue the instruction referred to in subparagraph 9 of the second paragraph of the present Article, in particular when such an instruction is required for the successful education and vocational training of the perpetrator. The court shall issue such an instruction to the extent

of not less than four hours a week; the perpetrator's attendance at school or at work may not be interfered with.

(9) The implementation of instructions referred to in subparagraphs 2, 6 and 9 of the second paragraph of the present article, shall be prepared and guided by the social services in the presence of and under the supervision of the judge responsible for juvenile perpetrators.

(10) The implementation of the instructions may not affect the human dignity of the juvenile perpetrator.

(11) If the perpetrator does not comply with the instructions and prohibitions, the court may replace them with the educational measure of supervision by the social services. In issuing the instructions or prohibitions, the court shall warn the juvenile perpetrator and his parents, adoptive parents, foster parents or guardian of this possibility.

### Supervision by the Social Services

#### Article 78

(1) If a juvenile perpetrator is in need of professional assistance and supervision regarding his education, correction and proper development, the court shall order that he be placed under the supervision of the social services.

(2) Supervision shall be ordered for an indefinite period of time ranging from a minimum of one year to a maximum of three years. The court may subsequently order the discontinuation of such a measure. In the course of this supervision, the juvenile perpetrator shall continue to live at his parents' abode or that of other persons supporting him, and the advisor appointed by the social services shall carry out the supervision.

(3) The appointed advisor shall carry out the supervision of the perpetrator and, above all else, shall be responsible for his education and employment, for keeping him away from any environment which has a harmful effect on him, for any necessary medical treatment and for the general arrangement of the perpetrator's life.

(4) In addition to supervision, the court may issue any of the instructions or prohibitions outlined in the preceding article, such instructions and prohibitions not constituting an independent educational measure.

### Committal to Educational Institution

#### Article 79

(1) The court shall commit the juvenile perpetrator to an educational institution if his education and reform require permanent guidance and the supervision of a professional educator.

(2) The perpetrator shall stay in the educational institution for not less than six months and not more than three years. Such a measure shall be administered for an indefinite period of time and the court shall subsequently order its discontinuation.

(3) The work may be carried out either within the system of community houses organised by educational institutions or by daily stay in an educational institution.

#### Committal to a Juvenile Detention Centre

##### Article 80

(1) If more efficient measures are required with respect to the juvenile perpetrator, the court shall commit him to a juvenile detention centre.

(2) In deciding whether to impose such a measure, the court shall in particular consider the nature and gravity of the crime as well as the perpetrator's criminal record.

(3) The perpetrator shall stay in the juvenile detention centre for not less than one and not more than three years. Such a measure shall be administered for an indefinite period of time and the court shall subsequently order its termination.

#### Committal to Training Institution For Physically and Mentally Handicapped Youth

##### Article 81

(1) A juvenile perpetrator who has suffered disturbance in his physical or mental development shall be committed to an appropriate training institution instead of to an educational institution or juvenile detention centre.

(2) The court may order such a measure in place of compulsory psychiatric treatment and detention in a health institution if the necessary treatment and detention of the perpetrator can be provided in the institution and the purposes of the safety measure in question can thereby be achieved.

(3) The perpetrator shall stay in the institution as long as is necessary for his training, treatment or detention but for not more than three years.

(4) If such an educational measure has been ordered for a juvenile perpetrator instead of the safety measure referred to in the second subparagraph of the present article, after the lapse of each consecutive calendar year the court shall reconsider whether further treatment and custody are necessary for the perpetrator. When the juvenile perpetrator becomes an adult, the court shall examine whether his further stay in the institution is necessary or whether he should be transferred to a corresponding institution for adults.

#### Release on Parole During the Implementation of Institutional Measure

#### Article 82

- (1) When the juvenile perpetrator, for whom committal to an educational institution or to a juvenile detention centre have been ordered, has spent a period of one year in the institution, the court may release him on parole if the results of education and reform show it unlikely that within the period of parole he will commit any further criminal offence.
- (2) The court may decide that supervision of the perpetrator by the social services should be carried out during the period of parole.
- (3) The court may revoke the parole if the juvenile perpetrator, while on parole, either commits a criminal offence or does not comply with obligations relating to the supervision by the social services. In such cases, the time spent on parole shall not count towards the term of the measure.
- (4) The period of parole may last until the expiry of statutory term of the institutional measure imposed or until the court orders such a measure to be terminated or replaced with another measure.

#### Termination of the Implementation of Educational Measures; Modification of Judgment Imposing Educational Measures

#### Article 83

- (1) If after the issuing of a judgment ordering a period of supervision by the social services or an institutional measure, circumstances occur which either did not exist at the time the matter was judged or were not known of and which are of such a nature that they would have influenced the decision had they existed or been known, the implementation of the measure may be terminated or the measure in question may be replaced with another measure.
- (2) In addition to cases referred to in the preceding paragraph and not otherwise provided for with respect to the success of education, reform or training, the implementation of the measure may be discontinued or replaced with another measure by the implementation of which it is more probable that the purposes of the educational measures will be achieved. The following limits shall apply to the termination and replacement of institutional measures:
  - 1) committal to an educational institution may not be terminated before a period of six months has elapsed; prior to that date it may be replaced only with committal to a juvenile detention centre or to an institution for physically and mentally handicapped youth;
  - 2) committal to a juvenile detention centre may not be terminated before a period of one year has elapsed; prior to that date it may be replaced only with committal to an educational institution or to an institution for physically and mentally handicapped youth.

#### Reconsidering of Educational Measures

#### Article 84

- (1) If a period of more than one year has elapsed since the judgment ordering a period of supervision by the social services or an institutional measure became final and if the measure in



question did not begin to be implemented, the court may either decide that the imposed measure be implemented or it may replace the same with any other educational measure.

(2) The court shall proceed in the same manner if the measure in question began to be implemented but has not been implemented for more than one year, due to the juvenile perpetrator's deliberate absence from the educational institution.

#### Imposition of Educational Measure for Criminal Offences in Concurrence

##### Article 85

(1) If a juvenile perpetrator has committed several concurrent criminal offences, in selecting the educational measures to be imposed the court shall pay equal consideration to all criminal offences prescribed by the present Code and shall not impose a special measure for each of the offences committed.

(2) The same shall apply if the court discovers that the same perpetrator had committed another criminal offence before or after the imposition of the measure.

#### Keeping of Records on Educational Measures; Release of Information on Educational Measures

##### Article 86

Information from records on educational measures may only be released to courts, state prosecutors and agencies of internal affairs in connection with criminal proceedings against the juvenile perpetrator, and to the social services and institutions where the educational measures are carried out.

#### Supervision of the Implementation of Educational Measures

##### Article 87

The court, which has imposed the educational measure, shall exercise the supervision of the proper implementation of such a measure.

### 3. Sentencing of Young Adults

#### Imposing of Fines on Young Adults

##### Article 88

(1) If with respect to his income a young adult is capable of paying the fine, the same shall be imposed on him by the court for the committing of a criminal offence for which a sentence of imprisonment for a term not exceeding more than five years or a fine is prescribed by the statute.

In imposing such sentences the court shall also keep in mind the purposes of the educational measures.

(2) A fine shall be imposed in daily amounts, the minimal sum of which shall be two daily amounts and maximum sum shall be one hundred and fifty daily amounts. The provisions of Article 38 of the present Code, shall apply with respect to all the other relevant rules on fixing the amount of the fine.

(3) In the event of a fine not being collected, the court shall replace it with the imposition of one of the educational measures outlined in subparagraphs 1, 2 and 3 of the second paragraph of Article 74 of the present Code.

(4) If a young adult has committed several concurrent criminal offences and the court decides that a fine should be imposed on him for each of them, a single compound fine shall be imposed in accordance with the provision of the second paragraph of this article.

(5) If the court decides that a fine should be imposed for some criminal offences and an educational measure for others, it shall impose either a single compound fine or a single educational measure for all the concurring offences.

#### Juvenile Detention

##### Article 89

(1) The court may impose a sentence of juvenile detention on a young adult if he has committed a criminal offence for which a sentence heavier than five years' imprisonment is prescribed by the statute and if, owing to the nature and gravity of the crime and the high degree of criminal liability, the application of educational measures would not be reasonable.

(2) A sentence of juvenile detention shall last not less than six months and not more than five years. For criminal offences for which the sentence of twenty years' imprisonment may be imposed, the sentence of juvenile detention shall not be imposed for more than ten years. The sentence shall be fixed in full years and months.

(3) In fixing a sentence of juvenile detention, the court shall not be bound by the provisions prescribing the lowest limit of the term of imprisonment.

#### Fixing a Sentence of Juvenile Detention

##### Article 90

(1) In fixing a sentence of juvenile detention, the court shall, apart from assessing all mitigating and aggravating circumstances, take into account the degree of maturity of the perpetrator and the time necessary for his education, reform and vocational training.

(2) If a juvenile perpetrator has committed several concurrent criminal offences and if each of these offences requires a sentence of juvenile detention, a single compound sentence shall be

determined by the court, within the statutory limits, for such offences. If a sentence of juvenile detention is imposed on the juvenile perpetrator for some of the concurrent criminal offences and a fine or an educational measure for the others, the court shall determine a single compound sentence of juvenile detention for all concurrent offences.

(3) The same shall apply if the court discovers that the same perpetrator had committed another criminal offence before or after the imposition of the sentence.

#### Effect of Juvenile Detention and Imprisonment on Educational Measures

##### Article 91

(1) If a sentence of juvenile detention has been imposed on a young adult during the implementation of an educational measure, such a measure shall be repealed when the perpetrator begins serving the sentence.

(2) If a sentence of juvenile detention or imprisonment for a term exceeding one year has been imposed on an adult perpetrator after the application of an educational measure, such a measure shall not be implemented; if it has already begun to be implemented, its implementation shall be terminated when the perpetrator begins serving the sentence.

(3) If a prison sentence for a term not exceeding one year has been imposed on an adult perpetrator after the application of an educational measure, the court shall judge whether the measure shall be implemented after the sentence is served.

(4) If a prison sentence for a term not exceeding one year has been imposed on an adult perpetrator during the implementation of an educational measure, the court shall decide whether the implementation of the measure is to be continued after the sentence is served or if it is to be discontinued when the sentence begins.

#### 4. Imposition of Criminal Sanctions on Adults for Criminal Offences They Committed As Minors

##### Imposition of Criminal Sanctions on Adults for Criminal Offences They Committed As Minors

##### Article 92

(1) An adult who has reached the age of twenty-one may not be tried for a criminal offence he committed as a minor.

(2) If an adult who committed a criminal offence as a minor has not reached the age of twenty-one when the trial takes place, he shall only be tried for criminal offences punishable under the statute by more than five years' imprisonment. On such an adult the court may only impose an appropriate educational measure. In considering whether to impose such a measure, the court

shall take into account all circumstances relevant to the case and in particular the gravity of the offence, the time, which has elapsed since the offence, was committed, the perpetrator's conduct and the purpose of the measure concerned.

#### Imposition of Criminal Sanctions on Adults For Criminal Offences They Committed As Young Adults

##### Article 93

(1) If an adult is tried for a criminal offence he committed as a young adult, the court may either order supervision by the social services and an appropriate institutional measure or it may impose a fine or a sentence of juvenile detention under conditions set forth in Articles 88 and 89 of the present Code. In considering whether and which sanction to impose, the court shall pay attention to all circumstances relevant to the case and in particular the gravity of the offence, the time which has elapsed since the offence was committed, the perpetrator's conduct and the purpose of such a sanction.

(2) If an adult is tried for a criminal offence he committed as a young adult and if he has reached the age of twenty-one by the end of the trial, the court may sentence him to imprisonment or suspend such a sentence in lieu of sentencing him to juvenile detention. In such cases the prison sentence has the same effect with respect to rehabilitation, the discontinuation of the sentence and legal consequences as that of juvenile detention.

#### Application of Educational Measures to Young Adults

##### Article 94

(1) If an adult perpetrator is tried for a criminal offence and he has not yet reached the age of twenty-one by the end of the trial, the court may order that he be placed under the supervision of the social services or may impose any institutional measure when it has managed to ascertain that, with respect to his personality and the circumstances in which the offence was committed, the imposition of such a measure is more appropriate than the imposition of a sentence.

(2) If the educational measure is imposed on a young adult, the court may also impose on him an accessory sentence consisting of either the revoking of his driving license or any safety measure other than that of prohibiting him from exercising his occupation.

(3) The educational measure may apply only until the perpetrator reaches twenty-one years of age.

#### Chapter Seven

### CONFISCATION OF PECUNIARY GAIN ACQUIRED BY A CRIMINAL OFFENCE

#### Grounds for Confiscation of Pecuniary Gain

##### Article 95

(1) Nobody shall retain the pecuniary gain acquired through or owing to the committing of a criminal offence.

(2) The pecuniary gain shall be confiscated by a court decision, with which it was established according to the conditions laid down in the present Code, that the criminal offence was committed.

#### Method of Confiscation of Pecuniary Gain

##### Article 96

(1) Money, valuables and any other pecuniary gains acquired by the perpetrator through or owing to the committing of a criminal offence shall be confiscated. If the confiscation cannot be carried out, the perpetrator shall be obliged to pay a sum of money equivalent to the property. When appropriate, the court may allow the money to be paid by instalments, whereby the period of payment may not be longer than two years.

(2) Property gained through or owing to the committing of a criminal offence shall also be confiscated from persons to whom it has been transferred free of charge or for a sum of money that does not correspond to its actual value if such persons knew or could have known that this property had been gained illegally. If the property has been transferred to close relatives, a spouse, an adoptive parent or an adopted child, it shall be confiscated unless such persons demonstrate that the full price had been paid for the property in question.

#### Protection of the Injured Party

##### Article 97

(1) If the injured party has been awarded his claim for damages by the Criminal court, the latter shall order the confiscation of property only insofar as such property exceeds the adjudicated claim of the injured party.

(2) The injured party which has been committed by the criminal court to bringing its claim for the recovery of damages in a civil action may satisfy its claim from the value of the confiscated property, provided that it brings a civil claim within six months from the judgment directing it to bring a civil action and under the further condition that it claims settlement from the value of the confiscated property within three months from the judgment awarding its claim.

(3) Any injured party which has not brought its claim for compensation in the form of damages in the course of the criminal proceedings may satisfy its claim from the value of the confiscated property, provided that it brings a civil action for the adjudication of its claim within six months from the day it became aware of the ruling confiscating the property and with the further proviso that it claims settlement from the value of the confiscated property within three months from the judgment awarding its claim.

#### Confiscation of Pecuniary Gain From Legal Person

## Article 98

Any pecuniary gain acquired by a legal person through or owing to the committing of a criminal offence shall be confiscated. The pecuniary gain that persons under Article 96 of the present Code have transferred to a legal person free of charge or for a payment, which does not correspond to its actual value, shall also be confiscated.

## Chapter Eight

### LEGAL CONSEQUENCES OF CONVICTION

#### Origin of Legal Consequences of a Conviction

## Article 99

- (1) Conviction for particular criminal offences as well as the passing of particular sentences may entail either the cessation or forfeiture of certain rights or a bar to the acquisition of certain rights.
- (2) Legal consequences cannot come into existence incident to the imposition of a fine, suspended sentence or judicial admonition and to the remission of a sentence.
- (3) Legal consequences may only be prescribed by the statute and shall take effect by force of the statute prescribing them.
- (4) Only legal consequences prescribed by the statute at the time of the committing of the criminal offence in question may be applied to the perpetrator.

#### Types of Legal Consequences of Conviction

## Article 100

- (1) The termination of the performance of certain public functions or official duties shall constitute the legal consequence referring to the cessation or forfeiture of certain rights.
- (2) Legal consequences that prevent the acquisition of certain rights shall include:
  - 1) debarment from the performance of certain public functions or official duties;
  - 2) debarment from entering a certain profession;
  - 3) debarment from obtaining certain permits and endorsements granted by written order of state bodies.
- (3) Legal consequences under the preceding paragraph may not be applied to a juvenile perpetrator.

#### Effect and Duration of Legal Consequences of Conviction

## Article 101

- (1) Legal consequences come into effect on the day the conviction takes effect.
- (2) Legal consequences entailing the prevention of the acquisition of certain rights may not remain in effect for more than five years from the day the sentence expired, was remitted or barred by time, except insofar as the statute prescribes a shorter term of duration for particular legal consequences.
- (3) Upon the expiry of two years from the day the sentence ended, was remitted or barred by time and upon a request filed by the perpetrator, the court may order the legal consequence of the conviction referring to the bar on the acquisition of certain rights to be repealed.
- (4) In considering whether to order the discontinuation of a legal consequence the court shall take into account the perpetrator's conduct after the conviction, whether he has recovered the damages caused by the criminal offence and other circumstances which indicate whether it is reasonable to discontinue the legal consequence in question.
- (5) The termination of the legal consequences of the conviction shall not affect any right of third persons connected thereto.
- (6) The legal consequences of the conviction shall be discontinued with the removal of the conviction from the criminal record.

## Chapter Nine

### REHABILITATION, ANNULMENT OF CONVICTION AND CONDITIONS FOR RELEASE OF INFORMATION FROM CRIMINAL RECORD

#### Legal Status of the Perpetrator After His Punishment Is Served

##### Article 102

- (1) After the sentence of imprisonment or juvenile detention has been served, remitted or barred by the statute, the perpetrator shall enjoy all rights contained in the constitution, laws and other regulations, and may exercise all rights other than those which he is deprived of owing to the application of a safety measure or the legal consequences of the conviction.
- (2) The preceding paragraph shall also apply to perpetrators released on parole.

#### Statutory Rehabilitation and Deletion of Conviction

##### Article 103

- (1) By means of statutory rehabilitation, the conviction shall be deleted from the criminal record, the legal consequences of the conviction shall cease to apply and the convicted person shall be deemed never to have been convicted.

(2) The conviction shall be understood to mean final decision as well as any modification of such a decision by means of amnesty or pardon.

(3) The conviction shall be deleted from the criminal record within the prescribed period of time from the day the punishment was enforced, barred by the statute or remitted, unless in such a period the convicted person commits another criminal offence.

(4) Time periods under the preceding paragraph shall be as follows:

- 1) one year from the finality of the court decision in which by a conviction a court admonition was administered to the perpetrator or his punishment was remitted;
- 2) one year from the expiry of the term of suspension if the case of a conviction by probation;
- 3) three years, for a conviction by a fine, accessory punishment, a punishment by imprisonment of up to one year or to juvenile imprisonment;
- 4) five years, for a conviction to punishment by imprisonment between one and up to three years;
- 5) eight years, for a conviction to a punishment by imprisonment of between three and up to five years;
- 6) ten years, for a conviction to a punishment by imprisonment of between five and up to ten years;
- 7) fifteen years, for conviction to a punishment by imprisonment of between ten and up to fifteen years.

(5) A conviction to punishment by imprisonment above fifteen years shall not be deleted from the criminal record.

(6) A conviction may not be deleted as long as security measures apply [to the perpetrator].

#### Court Rehabilitation

##### Article 104

Upon a request from the convicted person, the court may rule that the conviction be deleted from the criminal record and that the convicted person be deemed never to have been convicted, provided that half of the statutorily prescribed period has elapsed by expiry of which the conviction is removed, and with the further proviso that during this period the convicted person has not committed another criminal offence. In decision-making whether to delete the conviction the court shall consider the convicted person's behaviour after he has served his punishment and the nature of the criminal offence [he committed], as well as other circumstances relevant to the deletion of the conviction.

#### Release of Data from the Criminal Record

##### Article 105

(1) The criminal record shall contain the following: personal data on perpetrators of criminal offences; information on the imposed punishments, security measures, convictions by probation,



court admonitions and the remitted punishments referring to the perpetrators of which a record is being kept; as well as the legal consequences incident to them; later alterations of data on convictions that were entered in the criminal record; as well as data on the enforced punishments and on the annulment of the entry of unjustified conviction.

(2) A special record shall be kept with respect to educational measures. It shall contain personal data on a juvenile, data on the educational measures imposed and enforced, as well as all other data relating to the enforcement of educational measures.

(3) Data from the criminal record may be released only with respect to convictions that have not been deleted to the court, the state prosecutor's office and bodies of the law enforcement dealing with criminal proceedings against a previously convicted person, bodies responsible for the enforcement of penal sanctions and bodies involved in the procedures for granting an amnesty, pardon or for deleting a conviction.

(4) Data on a conviction which was not deleted may be released to the state bodies, legal persons and private employers upon a reasoned request only if the legal consequences of the conviction or of the security measures are still in effect or if such persons show a legitimate and legally-grounded interest.

(5) Upon his request, an individual may be provided with data on whether he was convicted or not only when he needs them for the assertion of his rights.

(6) Data with respect to convictions that have not been deleted and were imposed on citizens of the Republic of Slovenia by foreign courts may only be released to the bodies from paragraph 3 of this Article as well as to the bodies from Article 86 of this Code.

(7) Provisions on statutory rehabilitation and deletion of conviction (Article 103) and on court rehabilitation (Article 104) are to be applied *mutatis mutandis* also in case of a judgment that was imposed on the Slovenian citizen by a foreign court.

## Chapter Ten

### FUNDAMENTAL PROVISIONS ON THE IMPLEMENTATION OF CRIMINAL SANCTIONS

#### Restriction of Rights During the Implementation of Criminal Sanctions

##### Article 106

(1) Persons against which criminal sanctions are being implemented may be deprived of or have their constitutional and legal rights encroached upon only as far as is necessary for a particular sanction to be implemented.

(2) A person against whom a criminal sanction is being implemented shall not be subjected to torture or any other form of cruel, inhumane or degrading treatment. Any person who has suffered such treatment shall have the right to legal redress.

## Penal Institutions

### Article 107

- (1) Perpetrators shall serve their prison sentences in closed, semi-open and open penal institutions.
- (2) Perpetrators shall be placed in the above penal institutions according to the degree of deprivation of liberty.
- (3) If the perpetrator has been sentenced to imprisonment for a term not exceeding three years, the court may order that the sentence be served in an open penal institution, while if a prison sentence of up to five years has been imposed on him, such a sentence may be ordered to be served in a semi-open penal institution.
- (4) A prison sentence not exceeding three months may also be served in such way that the perpetrator, instead of serving the sentence, is put under obligation to perform work for humanitarian organizations or a local community for a period of not more than six months, whereby the total period of work may range from a minimum of eighty to a maximum of two hundred and forty hours. The schedule of such work may not interfere with the perpetrator's regular work obligations. This form of sentence shall be ordered by the court which delivered the sentence in the first instance. It shall consider the objective and subjective circumstances relating to the perpetrator as well as his consent to such a form of sentence. If the perpetrator does not perform the tasks relating to work *for* humanitarian organisations or local communities, the court may order a prison sentence to be imposed.

## Treatment of Perpetrators

### Article 108

- (1) Perpetrators shall be subjected to humane treatment respecting their inherent human dignity as well as their physical and mental integrity.
- (2) Medical or psychological methods or methods of reform which interfere with the perpetrator's personality and whose implementation the perpetrator justifiably repudiates shall not be allowed to be implemented.

## Release on Parole

### Article 109

- (1) The perpetrator who has served half of his sentence may be released from a penal institution under the condition that, until the term for which he was sentenced has elapsed, he does not commit another criminal offence.

(2) The perpetrator who has been sentenced to twenty years' imprisonment may be released on parole after he has served fifteen years.

(3) The statute shall prescribe the body responsible for the granting and denying of parole.

(4) The perpetrator may be released on parole when it is reasonable to expect that he will not offend again. In considering whether to release the perpetrator on parole, the court\_ shall take into account his conduct during the serving of the sentence.

(5) Exceptionally, the perpetrator who has served one third of his sentence may be released on parole if he complies with the condition under the fourth paragraph of the present Article and if special circumstances referring to his personality indicate that he will not commit any further criminal offence.

(6) A young adult serving a sentence of juvenile detention may be released on parole after he has served one third of his sentence but not before six months have elapsed. The court may order supervision by the social services for the period of parole.

### Revoking of Parole

#### Article 110

(1) The court shall revoke parole if the parolee commits at least one criminal offence for which a prison sentence of more than one year may be imposed.

(2) The court may revoke parole if the parolee commits at least one criminal offence for which a prison sentence for a term of up to one year may be imposed. In deciding on the revoking of parole, the court shall consider in particular the similarity of the offences committed, their seriousness, the motives for which they were committed and other circumstances indicating whether it is reasonable to release the perpetrator on parole.

(3) In revoking parole the court shall impose a sentence in accordance with Articles 47 and 48 of the present Code, whereby the court shall take as determined that part of the sentence which has not yet been served.

(4) Provisions under the first, second and third paragraphs of the present Article shall also apply when the parolee is convicted of a criminal offence he had committed prior to being released on parole.

(5) If the parolee is sentenced to imprisonment for a term not exceeding one year and the court does not revoke parole, the period of parole shall be prolonged for the time of serving the sentence.

(6) If the parolee perpetrates a criminal offence which entails the revoking of parole and such an offence is not considered by the court before the expiry of the term of parole, the same may be revoked within one year from the expiry of the term of parole.

Chapter Eleven

STATUTE OF LIMITATIONS

Limitation of Criminal Prosecution

Article 111

(1) Except where otherwise provided in the present Code, criminal prosecution is barred from taking place

- 1) twenty-five years from the committing of a criminal offence for which a prison sentence of twenty years may be imposed under the statute;
- 2) fifteen years from the committing of a criminal offence for which a prison sentence exceeding ten years may be imposed under the statute;
- 3) ten years from the committing of a criminal offence for which a prison sentence exceeding five years may be imposed under the statute;
- 4) five years from the committing of a criminal offence for which a prison sentence exceeding three years may be imposed under the statute;
- 5) three years from the committing of a criminal offence for which a prison sentence exceeding one year may be imposed under the statute;
- 6) two years from the committing of a criminal offence for which a prison sentence of up to one year or a fine may be imposed under the statute.

(2) If more than one sentence is prescribed for a criminal offence, the time limit referring to the most severe sentence shall apply to the offence in question.

(3) In cases involving criminal offences against sexual integrity, marriage, family and youth committed against minors, and notwithstanding the provisions of the first paragraph of this Article, the period of statute of limitation for criminal prosecution may not elapse until five years have elapsed from the day the injured party attains maturity<sup>6</sup>.

The Running and Interruption of the Statute of Limitation of Criminal Prosecution

Article 112

(1) The running of the period of the statute of limitation of criminal prosecution shall start on the day the criminal offence was committed.

(2) The period of the statute of limitation shall be suspended for the time when the prosecution may not be initiated or continued under the statute.

(3) The period of the statute of limitation shall be interrupted by any procedural act performed for criminal prosecution of the perpetrator for committing a criminal offence.

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<sup>6</sup> Attains the age of 18 years.

(4) The period of the statute of limitation shall also be interrupted when the perpetrator commits a further criminal offence of the same or greater gravity when such a period still runs.

(5) After each interruption a period of the statute of limitation shall start anew.

(6) Criminal prosecution shall be absolutely barred by reason of statute of limitation when twice as much period as required by the statute for [the application of] the statute of limitation to the criminal prosecution has run.

### Limitation of Implementation of the Punishment

#### Article 113

(1) Except where otherwise prescribed in the present Code, the imposed sentence may not be implemented after a lapse of:

- 1) twenty-five years from the sentence for a term of twenty years' imprisonment;
- 2) fifteen years from the sentence for a term exceeding ten years;
- 3) ten years from the sentence for a term exceeding five years;
- 4) five years from the sentence for a term exceeding three years;
- 5) three years from the sentence for a term exceeding one year;
- 6) two years from the sentence for a term of up to one year or a fine.

(2) Juvenile detention may not be implemented after a lapse of:

- 1) ten years from the sentence for a term exceeding five years;
- 2) five years from the sentence for a term exceeding three years;
- 3) three years from the sentence for a term of up to three years.

### Limitation of the Implementation of Accessory Sentences and Safety Measures

#### Article 114

(1) The execution of a fine imposed as an accessory sentence shall fall under the statute of limitations after the lapse of two years from the judgment which imposed such a sentence.

(2) When the revoking of a driving license and the banishment of a foreign citizen from the country are imposed as accessory sentences, they shall be barred from being implemented upon the lapse of the period of limitation provided for the principal sentence.

(3) The implementation of the safety measures of compulsory psychiatric treatment and detention in a health institution, compulsory psychiatric treatment in the community, the revoking of a driving license and the confiscation of objects shall be barred from being implemented three years from the judgment which imposed such a measure.

(4) The implementation of the safety measure of compulsory medical treatment of persons addicted to alcohol and drugs shall be barred from being implemented when the sentence in addition to which such a measure has been applied falls under the statute of limitations or upon the expiry of the term of suspension determined in the suspended sentence.

(5) The implementation of the safety measure prohibiting an perpetrator from performing an occupation shall be barred by the lapse of time for which such a measure has been ordered.

#### Progress and Interruption of the Limitation of the Implementation of Sentence

##### Article 115

(1) The time limit for the implementation of a sentence shall run from the day the judgment becomes final; in the event of the revoking of a suspended sentence, the time limit shall run from the day the written order on the revoking becomes final.

(2) The time limit shall be suspended during the time in which the sentence may not be implemented according to the statute.

(3) The time limit shall be interrupted by any act of a competent body performed with a view to implementing the sentence.

(4) After each interruption a new time limit shall start.

(5) Criminal prosecution shall be absolutely barred when twice as much time as set forth by the statute of limitations has elapsed.

(6) Provisions under paragraphs 2 - 5 of the present Article shall apply *mutatis mutandis* to the implementation of safety measures.

#### Inapplicability of the Statute of Limitations to Criminal Offences of Genocide and War Crimes

##### Article 116

Criminal prosecution and the enforcement of a punishment shall not be barred by the statute of limitations for criminal offences from Articles 373 - 378 of the present Code as well as for criminal offences for which the statute of limitations may not be applied under international treaties.

#### Chapter Twelve

#### AMNESTY AND PARDON

##### Amnesty

##### Article 117

(1) Persons granted an amnesty shall be given immunity from criminal prosecution, complete or partial remission of sentence, mitigation of the imposed sentence by the application of a less severe type of sentence, annulment of the conviction or a cessation of the application of a particular legal consequence of conviction.

(2) In the event of the sentence being modified by the amnesty, the general provisions of the present Code shall be applicable with respect to such a modification.

#### Pardon

#### Article 118

(1) By means of a pardon, a person designated by name shall be granted immunity from prosecution, complete or partial remission of sentence, mitigation of the imposed sentence by the application of a less severe type of sentence or by the suspension of the sentence or by the annulment of the conviction, or a cessation or reduction of the application of a particular legal consequence of conviction.

(2) If the sentence is modified by a pardon, the general provisions of the present Code shall be applicable to such a modification.

#### The Effect of Amnesties and Pardons on Rights of Third Persons

#### Article 119

The rights of third persons shall by no means be affected by judgments connected with the granting of amnesties and pardons.

### Chapter Thirteen

#### APPLICABILITY OF THE CRIMINAL CODE

#### Applicability to Persons for Criminal Offences Committed in the Territory of the Republic of Slovenia

#### Article 120

(1) The Criminal Code of the Republic of Slovenia shall apply to any person who commits a criminal offence in the territory of the Republic of Slovenia.

(2) The Criminal Code of the Republic of Slovenia shall also apply to any person who commits a criminal offence on a domestic vessel regardless of its location at the time of the committing of the offence.

(3) The Criminal Code of the Republic of Slovenia shall apply to any person who commits a criminal offence either on a domestic civil aircraft in flight or on a domestic military aircraft irrespective of its location at the time of the committing of the criminal offence.

#### Applicability to Persons for Specific Offences Committed Abroad

##### Article 121

The present Code shall apply to any person who, in a foreign country, commits either the criminal offence under Article 249 of the present Code referring to domestic currency or any of criminal offences under Articles 348 - 362 of the present Code.

#### Applicability to Citizens of the Republic of Slovenia for Criminal Offences Committed Abroad

##### Article 122

The Criminal Code of the Republic of Slovenia shall be applicable to any citizen of the Republic of Slovenia who commits any criminal offence abroad other than those specified in the preceding article and who has been apprehended in or extradited to the Republic of Slovenia.

#### Applicability of Criminal Statute of the Republic of Slovenia to Foreign Citizens for Criminal Offences Committed Abroad

##### Article 123

(1) The Criminal Code of the Republic of Slovenia shall apply to any foreign citizen who has, in a foreign country; committed a criminal offence against the Republic of Slovenia or any of its citizens and who has been apprehended in the territory of the Republic of Slovenia or has been extradited to it, even though the offences in question are not covered by Article 121 of the present Code.

(2) The Criminal Code of the Republic of Slovenia shall also be applicable to any foreign citizen who has, in a foreign country, committed a criminal offence against it or any of its citizens and has been apprehended in the Republic of Slovenia and is not extradited to foreign country. In such cases, the court shall not impose a harsher punishment on the perpetrator than the punishment prescribed by the statute of the country in which the offence was committed.

#### Special Conditions for Prosecution

##### Article 124



(1) If, in cases under Article 120 of the present Code, the criminal proceedings have been initiated or finished in a foreign country, the perpetrator may be prosecuted in the Republic of Slovenia only by permission of the Minister of Justice.

(2) In cases under Articles 122 and 123 of the present Code, the perpetrator shall be prosecuted:

- 1) if he has served in full the punishment imposed on him in the foreign country or if it was decided in accordance with an international treaty that the punishment imposed in the foreign country is to be served in the Republic of Slovenia;
- 2) if he has been acquitted in a foreign country by a final judgment or if his punishment has been remitted or the enforcement of the punishment has fallen under the statute of limitations;
- 3) if, according to foreign statute, the criminal offence concerned may only be prosecuted upon the motion of the injured party and the latter has not been filed.

(3) In cases under Articles 122 and 123 of present Code the perpetrator shall be prosecuted only insofar as his offence constitutes an offence that is criminal by the statute of the country where it was committed.

(4) If, in the case under Article 122 of present Code, the offence committed against the Republic of Slovenia or the citizen thereof does not constitute a criminal offence under the statute of the country where it was committed, the perpetrator of such an offence may be prosecuted only by permission of the Minister of Justice.

(5) If, in the case under the preceding Article of present Code, the offence is not criminal by the statute of the country where it was committed, the perpetrator may be prosecuted in the Republic of Slovenia only by permission of the Minister of Justice and with the proviso that, according to the general principles of law recognized by the international community, the offence in question constituted a criminal offence at the time it was committed.

(6) In the case under Article 120 of present Code, the prosecution of a foreign person may be transferred to another country under conditions provided by the statute.

#### Credit for Detention and Punishment Served Abroad

##### Article 125

Any period of detention, confinement during the extradition procedure or punishment by imprisonment served under the judgment of a foreign court shall be credited towards the punishment imposed for the same criminal offence by the domestic court. In the case of a different type of punishment the [domestic] court shall decide on the appropriate method of crediting of punishment.

#### Chapter Fourteen

##### MEANING OF TERMS IN THIS CODE

##### Article 126

(1) The territory of the Republic of Slovenia shall be understood to comprise the land, the coastal seas and the inland waters within its boundaries as well as the airspace above them.

(2) An official person in present Code may stand for:

- 1) A Deputy in the National Assembly and Members of the National Council;
- 2) Any person carrying out official duties in the state bodies or exercising an official function;
- 3) Any other person performing official duties by virtue of authorisations provided to him by statute or by-laws issued on the basis of statute;
- 4) A military person that is defined as such by special regulations regarding special criminal offences, for which an official person is designated but which are not prescribed as criminal offences against military duty;
- 5) Any person who is accorded by a foreign state the status of an official person, and who meets by its contents the conditions provided for in subparagraphs 1, 2 or 3 of this paragraph;
- 6) Any person who is accorded by the international organisation whose member is the Republic of Slovenia, the status of an official person and who meets by its contents the conditions provided for in subparagraphs 1, 2 or 3 of this paragraph;
- 7) Any person holding the office of a judge, prosecutor or another official duty or office in the international court, whose jurisdiction is recognised by the Republic of Slovenia.

(3) A member of the military in the present Code shall be: a person performing military service as a profession, a soldier in service and a reservist on military duty.

(4) Elections, ballots and voting shall mean presidential, parliamentary and municipal elections as well as referenda on the adoption of legislation, the confirmation of amendments to the Constitution and the establishment of a municipality.

(5) Economic activity shall mean:

- 1) The production and trade of goods, the performance of services on the market, banking and other financial operations;
- 2) Management services as well as participation in the management, representation and supervision of the activities from the previous subparagraph.

(6) Extra-marital community shall mean a community of man and woman that lasts for a longer period of time and who have not concluded a marriage.

(7) A document shall denote any writing, bearer of information or other object capable and intended for producing evidence on any fact relevant to legal relations.

(8) Currency shall mean coins and bank notes that are legal tender in the Republic of Slovenia or in foreign country.

(9) Stamps of value shall mean any fiscal and other stamps of value issued and circulating in the Republic of Slovenia, as well as foreign stamps of value.

(10) Movable property shall also mean any form of energy generated or accumulated for the purposes of lighting, heating, locomotion or transmission of voice, picture or text across distances as well as computer capabilities.

(11) Duress shall also mean the use of hypnosis or intoxicating drugs in order to lead a person into a state of unconsciousness or to incapacitate him for resistance.

(12) A motor vehicle shall mean any machine-driven vehicle operating on land, water or in the air traffic.

(13)

1) Small property benefit, damage or value shall correspond to an amount not exceeding half of the officially published monthly average net salary in the Republic of Slovenia per employed person at the time of the committing of a criminal offence (average net salary per employed person);

2) Substantial property benefit, damage or value shall correspond to an amount exceeding five average net salaries per employed person;

3) Large property benefit, damage or value shall correspond to an amount exceeding fifty average net salaries per employed person.

(14) Drugs in the present Code shall mean prohibited drugs, defined by a special statute and placed in the list of prohibited drugs.

(15) A criminal association according to this Code is a group of at least three persons who have associated together for commission of criminal offences for which a punishment by imprisonment of more than three years may be imposed.

## SPECIAL PART

### Chapter Fifteen

#### CRIMINAL OFFENCES AGAINST LIFE AND LIMB

##### Murder

##### Article 127

(1) Whoever takes the life of another [human being],

shall be punished by imprisonment of at least five years.

(2) The perpetrator of the criminal offence under the preceding paragraph shall be sentenced to imprisonment for not less than ten years or to imprisonment for a term of twenty years if such a criminal offence has been committed:

- 1) in an atrocious or perfidious manner;
- 2) out of greed, in order to commit or to conceal another criminal offence, out of unscrupulous vengeance, or from other base motives;
- 3) against an official or member of the military safeguarding public or state security, pursuing an perpetrator or keeping a person in detention;
- 4) by two or more persons colluding, with the intention of committing murder.

(3) If the offence under the first paragraph of the present article has been committed in especially mitigating circumstances, the perpetrator shall be sentenced to imprisonment for not less than six months and not more than five years.

### Voluntary Manslaughter

#### Article 128

Whoever kills another person through no fault of his own and in the heat of the moment under provocation of assault or serious personal insult from that person shall be sentenced to imprisonment for not less than one and not more than ten years.

### Negligent Homicide

#### Article 129

Whoever causes the death of another by negligence shall be sentenced to imprisonment for not less than six months and not more than five years.

### Infanticide

#### Article 130

A mother who takes her child's life during or immediately after giving birth by reason of mental disturbance provoked by the giving birth<sup>7</sup> shall be sentenced to imprisonment for not more than three years.

### Solicitation to and Assistance in Suicide

#### Article 131

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<sup>7</sup> Means: postpartum depression.

(1) Whoever intentionally solicits another person to kill himself or assists him in doing so, resulting in that person indeed committing suicide, shall be sentenced to imprisonment for not less than six months and not more than five years.

(2) Whoever commits the offence under the preceding paragraph against a minor above fourteen years of age or against a person whose ability to understand the meaning of his act or to control his conduct was substantially diminished shall be sentenced to imprisonment for not less than one and not more than ten years.

(3) In the event of the offence under the first paragraph of the present article being committed against a minor under fourteen years of age or against a person who was not capable of understanding the meaning of his act or of controlling his conduct shall be punished according to the prescription for murder.

(4) Whoever treats his subordinate or a person depending on him in a cruel or inhumane manner, resulting in this person's suicide, shall be sentenced to imprisonment for not less than six months and not more than five years.

(5) Whoever, under particularly mitigating circumstances, assists another person to commit suicide, and if that person indeed commits suicide, shall be sentenced to imprisonment for not more than three years.

(6) If, relating to a criminal offence under the above paragraphs, the suicide has only been attempted; the Court may reduce the punishment of the perpetrator.

### Illegal Abortion

#### Article 132

(1) Whoever performs or commences to perform an abortion upon a pregnant woman with her consent or assists her in inducing the abortion in a manner not congruous with medical practice and methods of termination of pregnancy shall be sentenced to imprisonment for not more than three years.

(2) Whoever performs or commences to perform an abortion upon a pregnant woman without her consent shall be sentenced to imprisonment for not less than one and not more than eight years.

### Light Bodily Harm

#### Article 133

(1) Whoever inflicts bodily harm on another person resulting in the temporary weakness or impairment of an organ or part of his body, his temporary inability to work, the impairment of his outlook on life or temporary damage to his health shall be punished by a fine or by imprisonment for not more than one year.

(2) If the injury under the preceding paragraph has been inflicted by means of a weapon, dangerous tool or any other instrument capable of causing serious bodily harm or grave damage to health the perpetrator shall be sentenced to imprisonment for not more than three years.

(3) The Court may administer a judicial admonition to the perpetrator especially if his conduct was provoked by indecent or brutal behaviour on the part of the injured person.

(4) The prosecution of the offence under the first paragraph shall be initiated upon a complaint.

### Grievous Bodily Harm

#### Article 134

(1) Whoever inflicts bodily harm on another person or damages his health to such an extent that this might place the life of the injured person in danger or cause the destruction or permanent and substantial impairment of a part of the person's body or an organ, the temporary and substantial weakness of a vital part or organ of the body, or the temporary loss of person's ability to work, the permanent or substantial temporary diminution of his ability to work, his temporary disfigurement, or serious temporary grave or less severe but permanent damage to the health of the injured person, shall be sentenced to imprisonment for not less than six months and not more than five years.

(2) If the injury under the preceding paragraph results in the death of the injured person the perpetrator shall be sentenced to imprisonment for not less than one and not more than ten years.

(3) Whoever commits the offence under the first paragraph of the present article by negligence, shall be punished to imprisonment for not more than two years.

(4) The perpetrator who commits the offence under the first or the second paragraph of the present Article through no fault of his own and in the sudden heat of passion provoked by assault or grave insult from the injured person shall be sentenced to imprisonment for not more than three years.

### Especially Grievous Bodily Harm

#### Article 135

(1) Whoever inflicts bodily harm on another or damages his health so gravely that this results in a risk to the life of the injured person, the destruction or substantial permanent impairment of any vital part or organ of the body, permanent loss of his ability to work, or serious permanent damage to his health shall be sentenced to imprisonment for not less than one and not more than ten years.

(2) If the injury under the preceding paragraph results in the death of the injured person, the perpetrator shall be sentenced to imprisonment for not less than three years.

(3) Whoever commits the offence under the first paragraph of the present article by negligence shall be sentenced to imprisonment for not more than three years.

(4) The perpetrator who commits the offence under the first or the second paragraph of the present article through no fault of his own and in a sudden heat of passion provoked by assault or grave insult from the injured person shall be sentenced to imprisonment for not less than six months and not more than five years.

#### Participation in a Brawl

##### Article 136

Whoever participates in a brawl resulting in the death of a person or in serious bodily harm shall be, for the participation itself, sentenced to imprisonment for not more than one year.

#### Endangering by Means of Dangerous Instruments in Brawl or Quarrel

##### Article 137

(1) Whoever, in taking part in a brawl or quarrel, reaches for weapons, dangerous tools or any other instruments capable of causing serious bodily harm or damage to health\_ shall be punished by a fine or sentenced to imprisonment for not more than six months.

(2) The prosecution shall be initiated upon a complaint.

#### Exposure of Another Person to Danger

##### Article 138

Whoever leaves another person helpless and in a life-threatening situation which he himself has caused shall be sentenced to imprisonment for not more than two years.

#### Abandonment of Helpless Person

##### Article 139

Whoever abandons a person who has been entrusted to him or whom he is bound to take care of in circumstances, which endanger the life, or health of the entrusted person shall be sentenced to imprisonment for not more than two years.

#### Failure to Render Aid

##### Article 140

Whoever fails to render aid to another person in a life-threatening situation, even though he could have done so without danger to himself or to any third person, shall be sentenced to imprisonment for not more than one year.

## Chapter Sixteen

### CRIMINAL OFFENCES AGAINST HUMAN RIGHTS AND LIBERTIES

#### Violation of Equal Status

##### Article 141

(1) Whoever, due to differences in respect of nationality, race, colour of skin, religion, ethnic roots, gender, language, political or other beliefs, sexual orientation, material condition, birth status, education, social position or any other circumstance, deprives or restrains another person of any human right or liberty recognised by the international community or provided by the Constitution or the statute, or grants another person a special privilege or advantage on the basis of such difference, shall be punished by a fine or sentenced to imprisonment for not more than one year.

(2) Whoever prosecutes an individual or an organisation due to his or its advocacy of the equality of people shall be punished under the provision of the preceding paragraph.

(3) In the event of the offence under the first or the second paragraph of the present article being committed by an official through the abuse of office or of official authority, such an official shall be sentenced to imprisonment for not more than three years.

#### Criminal Coercion

##### Article 142

(1) Whoever, by means of force or serious threat, coerces another person to perform an act or to omit performing an act or to suffer any harm shall be sentenced to imprisonment for not more than one year.

(2) The prosecution shall be initiated upon a complaint.

#### Unlawful Deprivation of Liberty

##### Article 143

(1) Whoever unlawfully incarcerates another person or keeps him incarcerated or otherwise deprives him of the freedom of movement shall be sentenced to imprisonment for not more than one year.

(2) If the offence under the preceding paragraph is committed by an official through the abuse of office or of official authority, such an official shall be sentenced to imprisonment for not more than three years.



(3) Any attempt to commit the offence under the first paragraph of the present article shall be punished.

(4) Whoever either deprives another person unlawfully of his liberty for a period exceeding one week or acts so in an aggravated manner shall be sentenced to imprisonment for not less than six months and not more than five years.

### Kidnapping

#### Article 144

(1) Whoever abducts another in order to compel him or any other person to perform an act or to omit to perform an act or to suffer any harm shall be sentenced to imprisonment for not less than six months and not more than five years.

(2) Whoever commits the offence under the preceding paragraph against a minor or threatens the kidnapped person with murder or serious bodily harm shall be sentenced to imprisonment for not less than one and not more than ten years.

(3) The perpetrator of any of the offences under the first or second paragraphs of the present article who releases the kidnapped person before the payment of a ransom, the extortion of which was the motive of the kidnapping of that person, may be granted a reduction or remission of his sentence.

### Threatening the Security of Another Person

#### Article 145

(1) Whoever threatens the security of another person by a serious threat to his life or body shall be punished by a fine or sentenced to imprisonment for not more than one year.

(2) The prosecution shall be initiated upon a motion from an injured party.

### Maltreatment

#### Article 146

(1) Whoever violates the physical or mental integrity of another by maltreating him shall be punished by a fine or sentenced to imprisonment for not more than six months.

(2) The prosecution shall be initiated upon a motion from an injured party.

### Unlawful Search of a Person

#### Article 147

- (1) Whoever unlawfully searches another person or any part of his objects that he is carrying or has with him shall be punished by a fine or sentenced to imprisonment for not more than one year.
- (2) If the offence under the preceding paragraph is committed by an official through the abuse of office or of official authority such an official shall be sentenced to imprisonment for not more than two years.
- (3) Any attempt to commit the offence under the first and the second paragraphs of the present article shall be punished.
- (4) The prosecution of the offence under the first paragraph of the present article shall be initiated upon a motion from an injured party.

#### Unlawful Eavesdropping and Sound Recording

#### Article 148

- (1) Whoever unlawfully eavesdrops on or records a private conversation or statement by use of special devices, or whoever directly transmits such a conversation or statement to a third person or otherwise directly allows him to learn of such a conversation or statement shall be punished by a fine or sentenced to imprisonment for not more than one year.
- (2) Whoever records another person's private confidential statement without his consent in order to abuse such a statement, or whoever directly transmits or presents such a statement to a third person or otherwise directly allows him to learn of it, shall be punished in accordance with the preceding paragraph of the present article.
- (3) If any of offences under the first or second paragraphs of the present article is committed or attempted by an official through the abuse of office or of official authority, such an official shall be sentenced to imprisonment for not more than two years.
- (4) The prosecution of the offence under the first paragraph of the present article shall be initiated upon a motion from an injured party, while the prosecution of the offence under the second paragraph shall be initiated upon a private action.

#### Unlawful Visual Recording

#### Article 149

- (1) Whoever substantially interferes with another person's privacy by taking unauthorized photographs or other visual recordings of that person or his premises without his consent, or

whoever transmits or presents such photographs or recordings to a third person or otherwise allows a third person to see such photographs or recordings shall be punished by a fine or sentenced to imprisonment for not more than one year.

(2) If the offence under the preceding paragraph is committed by an official through the abuse of office or of official authority, such an official shall be sentenced to imprisonment for not more than two years.

(3) The prosecution of the offence under the first paragraph of the present article shall be initiated upon a complaint.

### Violation of Secrecy of Means of Communication

#### Article 150

(1) Whoever opens a letter, telegram or any other sealed piece of writing or consignment belonging to others without authorisation shall be punished by a fine or sentenced to imprisonment for not more than six months.

(2) The following shall be punished by a fine or by imprisonment for not more than one year:

1) whoever, by use of technical instruments or chemical agents, learns of the content of a foreign letter, telegram or any other sealed piece of writing or consignment belonging to others without opening the same;

2) whoever, by use of technical instruments, learns of the content of a message transmitted by telephone or any other means of telecommunication;

3) whoever opens any closed object in which a message is kept and is thereby informed on the content of such a message.

(3) Whoever, by committing any of the offences under the above two paragraphs, allows a third person to be informed of the content of a consignment or message, shall be punished in accordance with the second paragraph of the present article.

(4) Whoever unlawfully keeps, hides, destroys or delivers a foreign letter, telegram or any other consignment belonging to others to a third person prior to the content of such a letter, telegram or other consignment being learnt of by the addressee shall be punished by a fine or sentenced to imprisonment for not more than one year.

(5) If any of offences under the above paragraphs of the this article have been committed by an official through the abuse of office or of official authority, or by a postal worker or other official authorised to accept, transport or deliver letters, telegrams or other pieces of writing or consignments, he shall be sentenced to imprisonment for not more than two years.

(6) The prosecution of the offences under the first to the fourth paragraphs of the present article shall be initiated upon a complaint.

### Unlawful Publication of Private Writings

#### Article 151

- (1) Whoever publishes a diary, letter or any other private piece of writing belonging to others without the due official permission shall be punished by a fine or sentenced to imprisonment for not more than one year.
- (2) The prosecution shall be initiated upon a private action.

#### Criminal Trespass

#### Article 152

- (1) Whoever without authorisation enters into a foreign dwelling, or other closed premises, or whoever remains therein in defiance of an order to leave issued by the authorised person shall be punished by a fine or sentenced to imprisonment for not more than one year.
- (2) Whoever searches such a dwelling or premises without authorisation shall be punished in accordance with the preceding paragraph.
- (3) If the offence under the preceding paragraph is committed by an official through the abuse of office or of official authority, such an official shall be sentenced to imprisonment for not more than two years.
- (4) Any attempt to commit the offence under the first, second or third paragraphs of the present article is punishable.
- (5) The prosecution of the offence under the first and second paragraphs shall be initiated upon a complaint.

#### Unjustified Disclosure of a Secret

#### Article 153

- (1) Whoever without justification discloses a secret which he has become party to in his position as defence counsel, attorney-at-law, physician, priest, social worker or psychologist or by way of performing any other profession shall be punished by a fine or sentenced to imprisonment for not more than one year.
- (2) No penalty shall be imposed on persons who commit such acts from the preceding paragraph where the disclosure of a secret is made for the general good or for some other person's benefit, and where the good or benefit therein is greater than that of withholding the secret.
- (3) The prosecution shall be initiated upon a private action.

#### Abuse of Personal Data

#### Article 154

(1) Whoever contrary to the statute uses personal data, which may be kept only on the basis of the statute or on the basis of the personal consent of the individual to whom the personal data relate,

shall be punished by a fine or by imprisonment of up to one year.

(2) Whoever breaks into filing system kept by computer in order to acquire personal data for himself or a third person,

shall be punished the same [in accordance with the preceding paragraph of the present Article].

(3) If any offence from the preceding two paragraphs is committed by an official person through the abuse of official position or rights of office,

[he] shall be punished by imprisonment of up to two years.

#### Violation of Right to Appeal

#### Article 155

(1) Whoever, in performing his duties, prevents another person from exercising the right to appeal, to plea or to seek other legal remedies, applications or complaints, or from the initiation of any political or other motive of public interest,

shall be punished by a fine or by imprisonment of up to one year.

(2) If the offence under the preceding paragraph is committed by an official person through the abuse of office or [official] rights,

[the official person] shall be punished by imprisonment of up to two years.

#### Obstruction or Disruption of Public Meeting

#### Article 156

(1) Whoever by force, serious threat, deception or otherwise, unlawfully prevents or obstructs the convention or holding of a non-violent public meeting shall be punished by a fine or sentenced to imprisonment for not more than one year.

(2) If the offence under the preceding paragraph is committed by an official through the abuse of office or of official authority, such an official shall be sentenced to imprisonment for not more than two years,

#### Prevention of Printing and Transmission

#### Article 157

Whoever unlawfully prevents either the printing, sale or dissemination of a newspaper, book or any other printed matter or the transmission of any radio or television program shall be sentenced to imprisonment for not more than one year.

#### Violation of Copyright

##### Article 158

(1) Whoever publishes, presents, performs or transmits the work of another author under his own name or the name of a third person, or whoever gives permission for this to be done shall be punished by a fine or sentenced to imprisonment for not more than one year.

(2) Whoever deforms, truncates or otherwise interferes with the content of the work of another person without his authorisation shall be punished by a fine or sentenced to imprisonment for not more than six months.

(3) The prosecution shall be initiated on a complaint.

#### Unauthorised use of copyrighted work

##### Article 159

(1) Whoever uses without authorisation one or more copyrighted works or copies thereof of a total market value which represents substantial property benefit,

shall be punished by imprisonment of up to three years.

(2) If the market value of copyrighted works from the preceding paragraph represents large property benefit,

the perpetrator shall be punished by imprisonment of up to five years.

(3) If a large unlawful property benefit has been acquired through commission of an offence from the first or second paragraphs of this Article and the perpetrator's intention was to acquire such property benefit for himself or for another,

he shall be punished by imprisonment from one up to eight years.

(4) Copies of copyrighted works and the equipment used to reproduce them shall be confiscated.

#### Violation of rights related to copyright

##### Article 160

(1) Whoever without authorisation reproduces, makes available to the public, distributes or leases one or more performances, phonograms, videorecordings, radio and television broadcasts or databases of a total market value which represents substantial property benefit,

shall be punished by imprisonment of up to three years.

(2) Whoever without authorisation reproduces, makes available to the public, distributes or leases one or more performances, phonograms, videorecordings, radio and television broadcasts or databases of a total market value which represents large property benefit

shall be punished by imprisonment of up to five years.

(3) If a large unlawful property benefit has been acquired through commission of an offence from the first or second paragraphs of this Article and the perpetrator's intention was to acquire such property benefit for himself or for another,

he shall be punished by imprisonment from one up to eight years.

(4) Copies of performances, phonograms, videorecordings, radio and television broadcasts or databases and the equipment used to reproduce them shall be confiscated.

## Chapter Seventeen

### CRIMINAL OFFENCES AGAINST VOTING RIGHTS AND ELECTIONS

#### Violation of Voting Rights

##### Article 161

An official who fails to enter another person's name in the electoral register or deletes his name there from in order to prevent him from voting shall be punished by a fine or sentenced to imprisonment for not more than one year.

#### Violation of Free Choice Belonging to Voters

##### Article 162

(1) Whoever, at an election or ballot, compels another person to vote, or not to vote, or to cast a void vote, or to vote in favour of or against a particular proposal by means of force, serious threat, bribery, deception or in any other unlawful manner shall be punished by a fine or sentenced to imprisonment for not more than one year.

(2) If the offence under the preceding paragraph is committed by an official through the abuse of his function relating to the election or ballot, such an official shall be sentenced to imprisonment for not more than two years.

### Abuse of a Voting Right

#### Article 163

Whoever, at an election or ballot, casts a vote in place of or under the name of another person or votes more than once shall be punished by a fine or sentenced to imprisonment for not more than one year.

### Violation of Free Determination

#### Article 164

Whoever, at an election or ballot, compels a voter to answer for his vote or asks him how he has voted or why he has not voted shall be punished by a fine or sentenced to imprisonment for not more than one year.

### Destruction or Forgery of Electoral Documents

#### Article 165

(1) Whoever, at an election or ballot, destroys, damages, hides or forges any electoral or voting document or any object serving as evidence of the election results shall be punished by a fine or sentenced to imprisonment for not more than one year.

(2) If the offence under the preceding paragraph is committed by an official through the abuse of his function pertaining to the election or ballot, such an official shall be sentenced to imprisonment for not more than two years.

### Falsification of the Electoral Results

#### Article 166

An official person who, at an election or ballot, alters the number of votes cast by adding or taking away any voting bill or vote, or who publishes the results of the election or ballot which do not correspond to actual returns,

shall be punished by imprisonment of up to two years.

### Obstruction of Secrecy of Ballot

#### Article 167

(1) Whoever violates the secrecy of the election or ballot shall be punished by a fine or sentenced to imprisonment for not more than six months.



(2) If the offence under the preceding paragraph is committed by an official through the abuse of his function relating to the election or ballot, such an official shall be sentenced to imprisonment for not more than two years.

#### Acceptance of Bribe at the Election or Ballot

##### Article 168

(1) Whoever requires or accepts any award, gift or other material gain for himself or a third person for voting or not voting, or for casting his vote in favour of or against a certain proposal shall be punished by a fine or sentenced to imprisonment for not more than one year.

(2) The accepted award, gift or other material gain shall be confiscated.

#### Chapter Eighteen

##### CRIMINAL OFFENCES AGAINST HONOUR AND REPUTATION

##### Insult

##### Article 169

(1) Whoever insults another,

shall be punished by a fine or by imprisonment of up to three months.

(2) If the offence under the preceding paragraph has been committed through the press, radio, television or other means of public information or at a public assembly,

the perpetrator shall be punished by a fine or by imprisonment of up to six months.

(3) Whoever expresses words offensive to another in a scientific, literary or artistic work, in a serious piece of criticism or in the exercise of official duty, in performing of journalists' profession, in the course of political or other social activity or in the defence of justified benefits,

shall not be punished, provided that the manner of expression or other circumstances indicate that his expression was not meant to be derogatory.

(4) If the injured person has returned the insult,

the Court may punish both parties or one of them or may remit the punishment.

##### Defamation

##### Article 170

(1) Whoever asserts or circulates anything untruthful about another person which is capable of damaging his honour or reputation and which he knows to be false,

shall be punished by a fine or by imprisonment of up to six months.

(2) If the offence under the preceding paragraph has been committed through the press, radio, television or other means of public information or at a public assembly,

the perpetrator shall be punished by a fine or by imprisonment of up to one year.

(3) If that which has been untruthfully asserted or circulated is of such a nature that it may bring about grave consequences for the damaged person,

the perpetrator shall be punished by imprisonment of up to two years.

### Injurious Accusation

#### Article 171

(1) Whoever asserts or circulates anything about another person which is capable of causing damage to the honour or reputation of that person

shall be punished by a fine or by imprisonment of up to three months.

(2) If the offence under the preceding paragraph has been committed through the press, radio, television or other means of public information or at a public assembly,

the perpetrator shall be punished by a fine or by imprisonment up to six months.

(3) If what has been asserted or circulated is of such a nature that it may bring about grave consequences for the defamed person,

the perpetrator shall be punished by a fine or by imprisonment of up to one year.

(4) If the perpetrator proves either the truth of his assertions or that he had reasonable grounds to believe in the truthfulness of what has been asserted or circulated, he shall not be punished for injurious accusation but may be punished either for insult (Article 169) or for reproach of a criminal offence with the intention to disparage (Article 173).

(5) If whoever asserts or circulates for another person that he has committed a criminal offence for which a perpetrator is prosecuted *ex officio*, then the truthfulness that a damaged person has committed a criminal offence may only be proved by means of a final judgment. Other evidence may be allowed to prove only when prosecution or trial before a Court are not possible or permitted.

(6) If the injurious accusation asserting that the damaged person has committed a criminal offence, for which the perpetrator is prosecuted *ex officio*, has been committed in circumstances

under the third paragraph of Article 169 of the present Code, the perpetrator shall not be punished for injurious accusation even without the existence of a final judgment when he can prove that he had a justified reason to believe in the truthfulness of what he had been asserting or circulating.

### Exposure of Personal and Family Circumstances

#### Article 172

(1) Whoever asserts or circulates any matter concerning the personal or family life of another person which is capable of injuring that person's reputation,

shall be punished by a fine or by imprisonment of up to three months.

(2) If the offence under the preceding paragraph has been committed through the press, radio, television or other means of public information or at a public assembly,

the perpetrator shall be punished by a fine or by imprisonment of up to six months.

(3) If what has been asserted or circulated is of such a nature that it brings about grave consequences for the damaged person,

the perpetrator shall be punished by a fine or by imprisonment of up to one year.

(4) Except in cases under the fifth paragraph of this Article, it shall not be permitted to prove truthfulness or untruthfulness of what is asserted or circulated from the personal or family life of another person.

(5) Whoever asserts or circulates any matter concerning the personal or family life of another person in the exercise of official duty, political or other social activity, the defence of any right or the protection of justified benefits,

shall not be punished, provided that he proves either the truthfulness of his assertions or that he had a reasonable ground for believing in the truthfulness of what has been asserted or circulated.

### Reproaching of a Criminal Offence with the Intention to Disparage

#### Article 173

(1) Whoever with the intention to disparage reproaches another person that he has committed a criminal offence or have been convicted for the same, or whoever communicates such a fact to a third person with the same intention,

shall be punished by a fine or by imprisonment of up to three months.

(2) If the offence under the preceding paragraph has been committed through the press, radio, television or other means of public information or at a public assembly,

the perpetrator shall be punished by a fine or by imprisonment of up to six months.

#### Disparagement to the Republic of Slovenia

##### Article 174

(1) Whoever publicly commits any of the offences under Articles 169 - 173 of the present Code against the Republic of Slovenia or against the President of the Republic with respect to the exercising of his office,

shall be punished by a fine or by imprisonment of up to one year.

(2) The same punishment shall be imposed on anyone who has publicly desecrated the flag, coat-of arms or national anthem of the Republic of Slovenia.

#### Disparagement to the Foreign Country or International Organisation

##### Article 175

(1) Whoever commits in public any of the offences under Articles 169 - 173 of the present Code against a foreign country, its head of state or its diplomatic representative in the Republic of Slovenia, or whoever publicly desecrates the flag, coat-of-arms or national anthem of a foreign country,

shall be punished by a fine or by imprisonment of up to one year.

(2) The same punishment shall be imposed on anyone who has committed a criminal offence against an international organisation recognised by the Republic of Slovenia or against its representative or its insignia.

#### Disparagement to the Slovene Nation or the National Communities

##### Article 176

Whoever publicly commits any of the offences under Articles 169 - 173 of the present Code against the Slovene Nation or against the Hungarian or Italian National Communities living in the Republic of Slovenia,

shall be punished by a fine or by imprisonment of up to one year.

#### Remission of Punishment for Criminal Offences under Articles 169 - 173

##### Article 177

If the perpetrator of a criminal offence under Articles 169 - 173 has been provoked by the indecent or brutal conduct of the injured person or if he apologises to him before the Court or if

he retracts before the Court what he has been asserting or circulating, may have his punishment remitted by the Court.

### Special Provisions Regarding the Prosecution

#### Article 178

(1) The prosecution of criminal offences under Articles 160 - 173 shall be initiated upon a private action.

(2) If the offences under Articles 169 - 173 have been committed against a state body or against an official or military person in relation to the exercising of their service in that body, the prosecution shall be initiated upon a motion.

(3) The prosecution for the criminal offence under Article 175 shall be initiated by permission of the Minister of Justice.

(4) If the offences under Articles 169 - 173 have been committed against a deceased person, the prosecution shall be initiated upon a private action brought by his spouse, extra-marital partner, his children or adopted children, parents or adoptive parents, or brothers or sisters.

### Publication of the Judgment

#### Article 179

In convicting an perpetrator for criminal offences under Articles 169 - 173 of the present Code committed through radio, television or other public media and upon a request lodged by the damaged person, the Court may order that the whole judgment or a part thereof be published at the expense of the perpetrator in such a manner as was employed for the committing of the offence.

## Chapter Nineteen

### CRIMINAL OFFENCES AGAINST SEXUAL INTEGRITY

#### Rape

#### Article 180

(1) Whoever compels a person of the opposite or same sex to submit to sexual intercourse by force or threat of imminent attack on life or body,

shall be punished by imprisonment of one up to ten years.

(2) If the offence under the preceding paragraph has been committed in an atrocious or especially humiliating manner or successively by several persons or against convicted persons serving punishment by imprisonment in a closed or semi-open type of penal institution,

the perpetrator shall be punished by imprisonment of at least three years.

(3) Whoever compels a person of the opposite or same sex to submit to sexual intercourse by threatening him/her with the disclosure of any matter concerning him/her or his/her next of kin which could damage his/her or his/her next of kin's honour or reputation, or that he/she shall cause the large property damage to him/her or to his/her next of kin,

shall be punished by imprisonment of six months up to five years.

(4) If offences under the first or third paragraphs of the present Article have been committed against a person, with whom the perpetrator lives in matrimonial or extra-marital community,

the prosecution shall be initiated upon a motion.

### Sexual Violence

#### Article 181

(1) Whoever uses force or threatens a person of the opposite or same sex with imminent attack on life or body thereby compelling that person to submit or endure to any sexual act not covered by the preceding Article,

shall be punished by imprisonment of six months up to ten years.

(2) If the offence under the preceding paragraph has been committed in an atrocious or specially humiliating manner or successively by more persons,

the perpetrator shall be punished by imprisonment of at least three years.

(3) Whoever compels a person of the same or opposite sex to perform or endure any other sexual act from the first paragraph of the present Article in such a manner, that he/she threatens him/her with the disclosure of any matter concerning him/her or his/her next of kin which is capable of damaging his/her or his/her kin' honour or reputation or to cause him/her or them a large property damage,

shall be punished by imprisonment of up to five years.

(4) If offences under the first or third paragraphs of the present Article have been committed against a person with which the perpetrator lives in a marital or an extra-marital community,

the prosecution shall be initiated upon a motion.

### Sexual Abuse of Defenceless Person

#### Article 182

(1) Whoever has sexual intercourse or performs any other sexual act with a person of the opposite or same sex by abusing the his/her mental disease, temporary mental disorder, graver mental retardation or frailty or any other state owing to which that person is not capable of resisting,

shall be punished by imprisonment of one up to eight years.

(2) Whoever, under circumstances from the preceding paragraph, violates the sexual integrity of a frail person in any other manner,

shall be punished by imprisonment of up to five years.

#### Sexual Assault on a Person, Younger than Fifteen Years

#### Article 183

(1) Whoever has sexual intercourse or performs any other sexual act with a person of the opposite or same sex who has not attained the age of fifteen years and there is also an obvious disproportionality between the maturity of the perpetrator and a victim,

shall be punished by imprisonment of one up to eight years.

(2) Whoever commits an act from the preceding paragraph with a person who has not attained the age of ten years or with a frail person who has not attained the age of fifteen years or by using force or threatening with imminent attack on life or body,

shall be punished by imprisonment of at least three years.

(3) A teacher, educator, guardian, adoptive parent, parent, priest, medical doctor or any other person who through the abuse of his position, has sexual intercourse or performs any sexual act with a person who has not attained the age of fifteen years and which is entrusted to him to teach, up bring, protect or care for,

shall be punished by imprisonment of one up to ten years.

(4) Whoever, under circumstances under the first, second or third paragraphs, violates in any other manner the sexual integrity of a person, that has not attained the age of fifteen years,

shall be punished by imprisonment of up to five years.

#### Violation of Sexual Integrity by Abuse of Position

#### Article 184

(1) Whoever, by abusing his position, induces his subordinate or dependent person of the same or different sex to have sexual intercourse with him or to perform or submit to any other sexual act, shall be punished by imprisonment of up to five years.

(2) A teacher, educator, guardian, adoptive parent, parent or any other person who through the abuse of his position has sexual intercourse or performs any other sexual act with a person above the age of fifteen whom he is entrusted to teach, educate, protect or care for, shall be punished by imprisonment of one up to eight years.

#### Abuse of Prostitution

##### Article 185

(1) Whoever participates for exploitative purposes in the prostitution of another person or instructs, obtains or encourages another person to engage in prostitution with force, threat or deception,

shall be punished by imprisonment of three months up to five years.

(2) If an offence from the preceding paragraph is committed against a juvenile, against more than one person or as part of a criminal association,

the perpetrator shall be punished by imprisonment of one up to ten years.

#### [Interceding for Prostitution

##### Article 186

(1) Whoever gains over, incites, encourages or lures other persons to prostitution or in any other manner enables their handing over to a third person for prostitution or in any other manner co-operates in organisation or conducting of prostitution,

shall be punished by imprisonment of three months up to five years.

(2) If the offence under the preceding paragraph has been committed towards a minor or by force, threat or deception,

the perpetrator shall be punished by imprisonment of one up to ten years.] **DELETED IN 2004!**<sup>8</sup>

#### Presentation and Manufacturing of Pornographic Materials

##### Article 187

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<sup>8</sup> See Act on Changes and Amendments of the Criminal Code, Official Gazette of the RS, No. 40/2004.



(1) Whoever by sale, presentation, public exhibition or in any other manner provides a person under the age of fourteen with access to writings, pictures, audio-visual or other objects of pornographic content or presents a pornographic performance to such a person,  
shall be punished by a fine or by imprisonment of up to one year.

(2) Whoever abuses a minor for the manufacturing of pornographic pictures, audio-visual or other objects of pornographic content, or whoever uses a minor to act in a pornographic performance,  
shall be punished by imprisonment of up to three years.

## Chapter Twenty

### CRIMINAL OFFENCES AGAINST PUBLIC HEALTH

#### Spreading Contagious Diseases

##### Article 188

(1) Whoever does not comply with regulations or orders by which a competent agency has ordered a medical examination, disinfection, quarantine or other measures for the suppression or prevention of a contagious disease in human beings and thereby causes the spread of a contagious disease shall be punished by a fine or sentenced to imprisonment for not more than one year.

(2) The same punishment shall be imposed on anyone who does not comply with regulations or orders by which a competent agency has ordered measures for the suppression or prevention of contagious diseases in animals and thereby causes the spread of a contagious disease to human beings.

(3) Whoever commits the offence from the first or the second paragraph of the present article by negligence shall be punished by a fine or sentenced to imprisonment for not more than six months.

(4) If the offence under the first, second or third paragraphs of the present article results in the death of one or more persons, the perpetrator shall be sentenced to imprisonment for not more than eight years for the offence under the first and second paragraphs and to imprisonment for not more than five years for the offence under the third paragraph.

#### Failure to Render Medical Aid

##### Article 189

A doctor or any other medical employee who breaches the terms of his professional duty by failing to render aid to a patient or any person whose life is in danger shall be sentenced to imprisonment for not more than one year.

## Negligent Medical Treatment

### Article 190

(1) A doctor who, in the course of performing medical activities, does not act in conformity with his code of professional conduct, thereby causing the substantial impairment of health of a patient, shall be sentenced to imprisonment for not more than one year.

(2) Any other medical employee who, in the course of performing his duties, does not act in conformity with the rules of professional conduct, thus causing a substantial impairment of the patient's health shall be punished to the same extent.

## Illegal Transplant of Parts of Human Body

### Article 191

(1) A doctor who removes a part of the human body from or transplants a part of the body to someone although this is not conforming to medical science and code of professional conduct shall be sentenced to imprisonment for not less than six months and not more than five years.

(2) A doctor who, for the purpose of performing a transplant, removes a part from the body of a patient prior to the death of that patient being established in the proper manner shall be punished to the same extent.

(3) A doctor who, for the purpose of performing a transplant, removes a part from the body of or who transplants a part of the body to someone without having obtained prior consent from the donor and the recipient of the part of the body or from their statutory representatives shall be sentenced to imprisonment for not more than three years.

(4) The same punishment shall be imposed on anyone who illegally or for payment serves as an agent for providing transplants of parts of the body of a living or a deceased person.

## Reckless Performance of Pharmacological Activities

### Article 192

A chemist or any other person authorized to issue medicines who by negligence does not prepare the prescribed quantity or proportion of a medicine or who issues a medicine or substance other than that prescribed or, in the preparation or issuing of medicines, acts in any other way contrary to his code of professional conduct, thus causing a substantial impairment of a person's health shall be sentenced to imprisonment for not more than one year.

## Manufacture and Trade in Harmful Medical Remedies

### Article 193

- (1) Whoever manufactures, sells or otherwise supplies medicines or other medical remedies dangerous to health shall be sentenced to imprisonment for not more than three years.
- (2) Whoever is engaged in the extraction, preparation or disposing of infected blood or other tissue or therefrom derives remedies shall be punished to the same extent.
- (3) Whoever commits the offence under the first or second paragraphs of the present article by reason of negligence shall be sentenced to imprisonment for not more than one year.
- (4) If serious or grievous bodily harm or a corresponding impairment of health of at least one person has been caused by the committing of any of the offences under the first, second or third paragraphs of the present article, the perpetrator shall be sentenced to imprisonment for not more than eight years for the offence under the first and second paragraphs while for the offence under the third paragraph he shall be sentenced to imprisonment for not more than five years.
- (5) If any of offences under the first, second or third paragraphs of the present article has resulted in the death of at least one person, the perpetrator shall be sentenced to imprisonment for not less than one and more than twelve years for the offence under the first and second paragraphs while for the offence under the third paragraph he shall be sentenced to imprisonment for not less than one and not more than eight years.

#### Production and Trade of Medically Tainted Foodstuffs and Other Products

##### Article 194

- (1) Whoever produces, sells or otherwise supplies foodstuffs dangerous to human health, thus causing danger to human life or health shall be sentenced to imprisonment for not more than three years.
- (2) Whoever produces, sells or otherwise puts on the market products for personal care, toys or similar products for mass consumption which are dangerous to human health shall equally be punished.
- (3) Whoever commits the offence under the first or second paragraphs of the present article by negligence shall be sentenced to imprisonment for not more than one year.
- (4) If serious or grievous bodily harm or a corresponding impairment of health of at least one person have been caused by the committing of any of the offences under the first, second or third paragraphs of the present article, the perpetrator shall be sentenced to imprisonment for not more than eight years for the offence under the first and second paragraphs while for the offence under the third paragraph he shall be sentenced to imprisonment for not more than five years.
- (5) If any of offences under the first, second or third paragraphs of the present article has resulted in the death of at least one person, the perpetrator shall be sentenced to imprisonment for not less than one and not more than twelve years for the offence under the first and second paragraphs while for the offence under the third paragraph he shall be sentenced to imprisonment for not less than one and not more than eight years,

(6) Tainted foodstuffs and other products shall be seized.

#### Careless Inspection of Meat Destined for Consumption

##### Article 195

(1) A veterinary surgeon or person responsible for inspecting livestock and meat intended for food production who carelessly and without proper regard performs the inspection or, contrary to relevant regulations, does not perform the inspection, thereby facilitating the trade of meat dangerous to human health,

shall be sentenced to imprisonment for not more than one year.

(2) Whoever commits the offence from the preceding paragraph by negligence, shall be sentenced to imprisonment for not more than one year.

#### Unlawful Manufacture and Trade with Narcotic Drugs

##### Article 196

(1) Whoever unlawfully manufactures, processes, sells or offers for sale substances and preparations recognised to be narcotic drugs, or whoever purchases, keeps or transports such substances or preparations with a view to reselling them, or whoever serves as an agent in the sale or purchase of the above shall be sentenced to imprisonment for not less than one and not more than ten years.

(2) If the offence under the preceding paragraph has been committed by at least two persons who colluded with the intention of committing such offences, or if the perpetrator has established a network of dealers and middlemen, the perpetrator shall be sentenced to imprisonment for not less than three years.

(3) Whoever manufactures, purchases, possesses or furnishes other persons with the equipment, material or substances which are, to his knowledge, intended for the manufacture of drugs shall be sentenced to imprisonment for not less than six months and not more than one year.

(4) Narcotics and the means of their manufacture shall be seized.

#### Enabling Opportunity for Consumption of Narcotic Drugs

##### Article 197

(1) Whoever solicits another person to use a drug or provides a person with drugs to be used by him or by a third person, or whoever provides a person with a place or other facility for the use of drugs shall be sentenced to imprisonment for not less than three months and not more than five years.

(2) If the offence under the preceding paragraph is committed against a minor, the perpetrator shall be sentenced to imprisonment for not less than one and not more than ten years.

(3) Narcotics and the tools for their consumption shall be seized.

## Chapter Twenty-One

### CRIMINAL OFFENCES AGAINST MARRIAGE, FAMILY AND YOUTH

#### Bigamy

##### Article 198

(1) Whoever, being already married, enters into a second marriage shall be punished by a fine or sentenced to imprisonment for not more than one year.

(2) Whoever enters into a marriage with a person who he knows to be already married shall be punished to the same extent.

(3) If the former marriage has ceased to exist or to be valid, the prosecution shall not be initiated; if the prosecution has already been initiated, it shall be terminated.

#### Altering the Family Status

##### Article 199

(1) Whoever substitutes a child for another or otherwise alters its family status shall be sentenced to imprisonment for not more than two years.

(2) Any attempt to commit this offence is punishable.

#### Abduction of a Minor

##### Article 200

(1) Whoever unlawfully removes a minor from his parent, adoptive parent, guardian, institution or from a person to whom the minor has been entrusted, or whoever detains a minor or prevents him from living with the person he is entitled to live with, or whoever malevolently prevents the implementation of an enforceable judgment referring to a minor shall be punished by a fine or sentenced to imprisonment for not more than one year.

(2) In the event of a suspension of sentence, the court may place a proviso on the suspension by ordering the perpetrator to relinquish a minor to the rightful claimant or to make possible the implementation of an enforceable judgment referring to the minor.

(3) If the perpetrator under the first paragraph of the present article has relinquished a minor to the rightful claimant by his own free will and made possible the implementation of the enforceable judgment, his punishment may be remitted.

### Neglect and Maltreatment of Juveniles

#### Article 201

(1) A parent, adoptive parent, guardian or other person who seriously breaches his obligation of support and education by neglecting a juvenile whom he is obliged to take care of,

shall be punished by imprisonment of up to two years.

(2) A parent, adoptive parent, guardian or other person who forces a juvenile to work excessively or to perform work unsuitable to his age, or who out of greed inures a minor to begging or other conducts prejudicial to his proper development or who maltreats him or who inflicts suffering on him,

shall be punished by imprisonment of up to three years.

### Violation of Family Obligations

#### Article 202

(1) Whoever seriously breaches the family obligations imposed on him by statute by leaving a member of his family who depends on him in dire straits shall be sentenced to imprisonment for not more than two years. .

(2) In the event of a suspension of sentence, the Court may order the perpetrator to regularly perform his obligations of care, education and support.

### Persistent Non-Paying of Alimony

#### Article 203

(1) Whoever fails to provide support for a person whom he is obliged to support by statute and for whom the amount of support has been determined by an enforceable judgment, judicial settlement and any other enforceable agreement made in the presence of another authority or by any other means of implementation shall be sentenced to imprisonment for not more than one year.

(2) In the event of a suspension of sentence, the court may place a proviso on the suspension by ordering the perpetrator to pay regular support, pay backdated support or perform other obligations adjudged to be part of support.

### Incest

Article 204

An adult who has sexual intercourse with a underage lineal relative or underage brother or sister shall be sentenced to imprisonment for not more than two years.

Chapter Twenty-Two

CRIMINAL OFFENCES AGAINST EMPLOYMENT AND SOCIAL SECURITY

Violation of Fundamental Rights of Employees

Article 205

Whoever knowingly acts contrary to regulations governing the establishment and termination of employment, salaries and compensations thereof, working time, time for break and rest, holidays and absence from work, and prohibition of overtime and night work, thereby depriving or restraining an employee of any of his rights shall be punished by a fine or sentenced to imprisonment for not more than one year.

Violation of Rights Concerning Employment or Unemployment

Article 206

(1) Whoever denies or restricts another person's right to free employment under equal conditions stipulated by legislation, shall be punished by a fine or sentenced to imprisonment for not more than one year.

(2) Whoever, to his knowledge, acts contrary to regulations governing the rights of the unemployed, thereby depriving or restraining an unemployed person of any of his rights, shall be punished in accordance with the preceding paragraph of the present Article.

Violation of Rights to Participation in Management

Article 207

Whoever breaches regulations and by-laws by preventing employees or hindering them from exercising rights to participation in management and whoever abuses such rights or obstructs their implementation shall be punished by a fine or sentenced to imprisonment for not more than one year.

Endangering Security at Work

Article 208

(1) Whoever destroys, damages or removes safety devices in a mine, factory, building or other working site, thus endangering human life shall be sentenced to imprisonment for not more than three years.

(2) A person responsible for security and health at work in mines, factories, workrooms, on building or other working sites who does not install safety devices or assure their operation when necessary or otherwise does not comply with regulations and technical rules on safety measures, thus endangering human life, shall be sentenced to imprisonment for not more than two years.

(3) If the offence under the first or second paragraphs of the present article has been committed by negligence, the perpetrator shall be sentenced to imprisonment for not more than one year,

(4) If the offence under the first or second paragraphs of the present article has resulted in serious bodily harm to one or more persons, the perpetrator shall be sentenced to imprisonment for not more than five years for the offence under the first and second paragraphs while for the offence under the third paragraph he shall be sentenced to imprisonment for not more than three years.

(5) If any of offences under the first, second or third paragraphs of the present article has resulted in the death of at least one person, the perpetrator shall be sentenced to imprisonment for not less one and not more than twelve years for the offence under the first and second paragraphs while for the offence under the third paragraph he shall be sentenced to imprisonment for not Less than one and not more than eight years.

#### Violation of Rights Relating to Social Insurance

##### Article 209

Whoever knowingly acts contrary to regulations concerning social insurance and thereby deprives any person of his right or restrains him from the exercising thereof shall be punished by a fine or sentenced to imprisonment for not more than one year.

#### Abuse of Rights Relating to Social Insurance

##### Article 210

Whoever, by feigning illness or by bringing a disease upon himself or by incapacitating himself for work succeeds in claiming a right under the terms of social insurance to which he is not entitled by law shall be punished by a fine or sentenced to imprisonment for not more than one year.

#### Chapter Twenty-Three

### CRIMINAL OFFENCES AGAINST PROPERTY

#### Larceny

##### Article 211

(1) Whoever takes another's movable property with the intention of unlawfully appropriating it shall be sentenced to imprisonment for not less than three years.



(2) If the stolen property is of low value and if the perpetrator intended to appropriate this property, he shall be punished by a fine or sentenced to imprisonment for not more than one year.

(3) The prosecution for the offence under the preceding paragraph of the present article shall be initiated upon a complaint.

(4) If the perpetrator returned the stolen property to the injured person before he came to know of the initiation of the criminal prosecution, his punishment may be remitted.

## Grand Larceny

### Article 212

(1) The perpetrator of larceny under the first paragraph of the preceding article shall be sentenced to imprisonment for not more than five years, if the offence was committed:

- 1) by entering into a closed building, room or opening a strong-box, wardrobe, case or other enclosure by way of burglary, breaking into or surmounting of other larger obstacles;
- 2) by at least two persons who colluded with the intention of committing larcenies; 3) in a particularly audacious manner;
- 4) with a weapon or dangerous tool which was intended for use in attack or defense; 5) during a fire, flood or similar environmental catastrophe;
- 6) by taking advantage of the helplessness or accident of another person.

(2) The same punishment shall be imposed on the perpetrator of larceny if the stolen property is either of special cultural or historical significance or of high value and if his intention was to appropriate such property or property of such value.

(3) If the perpetrator has stolen the property either of special cultural or historical significance or of high value and if his intention was to appropriate such property or property of such value, he shall be sentenced to imprisonment for not less than one and not more than eight years.

## Robbery

### Article 213

(1) Whoever takes another's movable with the intention of unlawfully appropriating it by applying force against another person or by threatening another person with an imminent attack on life or limb shall be sentenced to imprisonment for not less than one and not more than ten years.

(2) If the stolen property is of high value and the perpetrator's intention was to appropriate the property of such value he shall be sentenced to imprisonment for not less than three years.

(3) If the offence under the first paragraph of the present article has been committed by at least two persons, the perpetrators shall be sentenced to imprisonment for not less than five years.

## Larceny in the Form of Robbery

### Article 214

- (1) Whoever, while being caught stealing, applies force against another person or threatens another person with an imminent attack on life or limb in order to keep the stolen property shall be sentenced to imprisonment for not less than one and not more than ten years.
- (2) If the stolen property is of high value and if the perpetrator's intention was to appropriate the property of such value, he shall be sentenced to imprisonment for not less than three years.

## Embezzlement of Entrusted Movable Object

### Article 215

- (1) Whoever unlawfully appropriates another person's movable property entrusted to him shall be sentenced to imprisonment for not more than two years.
- (2) If the appropriated property is of low value and if the perpetrator's intention was to appropriate the property of such value, he shall be punished by a fine or sentenced to imprisonment for not more than six months.
- (3) If the offence under the first paragraph of the present article has been committed by a guardian he shall be sentenced to imprisonment for not more than three years.
- (4) If the appropriated property is either of special cultural or historical significance or of high value and if the perpetrator's intention was to appropriate such property or the property of such value, he shall be sentenced to imprisonment for not more than five years.
- (5) Whoever unlawfully appropriates another's movable property which he has found or which has come into his possession by coincidence shall be punished by a fine or sentenced to imprisonment for not more than one year.
- (6) The prosecution for the offences under the first, second and fifth paragraphs of the present article shall be initiated upon a complaint.

## Joy Riding

### Article 216

- (1) Whoever unlawfully takes another's motor vehicle with the intention of using it shall be sentenced to imprisonment for not more than two years.
- (2) Any attempt to commit such an offence is punishable.

## Fraud

### Article 217

(1) Whoever, with the intention of acquiring an unlawful property benefit for himself or a third person, by false representation or the suppression of facts leads another person into error or keeps him in error, thereby inducing him to perform an act or to omit to perform an act to the detriment of his or another's property shall be sentenced to imprisonment for not more than three years.

(2) If a large loss of property has been incurred by the committing of the offence under the preceding paragraph, the perpetrator shall be sentenced to imprisonment for less than one and not more than eight years.

(3) If a minor loss of property has been incurred by the committing of the offence under the first paragraph of the present article and if the perpetrator's intention was to acquire a minor property benefit, he shall be punished by a fine or sentenced to imprisonment for not more than one year.

(4) Whoever, with the intention of causing damage to another person by false representation or the suppression of facts, leads a person into error or keeps him in error, thereby inducing him to perform an act or to omit to perform an act to the detriment of his or another's property shall be punished by a fine or sentenced to imprisonment for not more than one year.

(5) The prosecution for the offences under the third and fourth paragraphs of the present article shall be initiated upon a complaint.

### Extortion and Blackmail

### Article 218

(1) Whoever, with the intention of unlawfully acquiring property for himself or a third person, by use of force or serious threat coerces another person to perform an act or to omit to perform one to the detriment of his or another's property shall be sentenced to imprisonment for not more than five years.

(2) Whoever, with the intention of unlawfully acquiring property for himself or a third person, threatens another person with disclosure of any matter concerning him or his relatives which is capable of damaging his or his relatives' honour or reputation, thereby compelling that person to perform an act or to omit to perform one to the detriment of his or another's property shall be punished to the same extent.

(3) If the offences under the first or second paragraphs of the present article have been perpetrated by at least two persons, the perpetrators shall be sentenced to imprisonment for not less than one and not more than eight years.

### Usury

### Article 219

Whoever, on his own behalf or on behalf of a third person, accepts or negotiates an evidently disproportionate amount of property in exchange for a favor to another person, thereby taking advantage of that person's poor pecuniary circumstances, severe housing problems, inexperience or recklessness shall be sentenced to imprisonment for not more than three years or punished by a fine.

#### Breach of Trust

##### Article 220

(1) Whoever, in the course of representing the property interests of another or of having charge of his property, does not perform his duty or abuses the terms of his authorization with the intention of unlawfully acquiring property for himself or for a third person, or of causing damage to the person whose interests he is representing or whose property he is in charge of shall be sentenced to imprisonment for not more than three years.

(2) If the offence under the preceding paragraph of the present article has been committed by a guardian or an attorney, the perpetrator shall be sentenced to imprisonment for not more than five years.

#### Concealment

##### Article 221

(1) Whoever purchases, takes as a pledge or otherwise acquires, conceals or disposes either of the property which he knows to have been gained unlawfully or of the property acquired through the sale of the latter or in exchange for it shall be sentenced to imprisonment for not more than two years.

(2) Whoever commits the offence under the preceding paragraph and who should and could have known that the property had been gained unlawfully shall be punished by a fine or sentenced to imprisonment for not more than one year.

(3) If the property under the first or second paragraph of the present article is of considerable value or of special cultural or historical significance, or is a natural curiosity, the perpetrator shall be sentenced to imprisonment for not more than three years for the offence under the first paragraph and for not more than two years for the offence under the second paragraph.

(4) If the concealed property has been obtained from a criminal offence for which the perpetrator is prosecuted by private action or complaint, the prosecution regarding offences under the first and second paragraph shall be initiated upon a private action or a complaint respectively.

#### Illegal Export and Import of Goods of Special Cultural or Historical Significance or Natural Curiosities

##### Article 222

(1) Whoever without the permission of the agency responsible exports goods of special cultural or historical significance, natural curiosities or endangered species of animals or plants to a foreign country or imports the same contrary to principles of international law shall be sentenced to imprisonment for not more than two years.

(2) If the goods under the preceding paragraph are of extreme cultural, historical or environmental importance, the perpetrator shall be sentenced to imprisonment for not more than five years.

#### Damaging or Destruction of Goods of Special Cultural or Historical Significance or Natural Curiosities

##### Article 222

(1) Whoever unlawfully damages or destroys goods of special cultural or historical significance, natural curiosities, other protected natural resources or a public resource shall be sentenced to imprisonment for not more than five years.

(2) If the damaged or destroyed goods represent a natural or historical monument or are of extreme importance to the Republic of Slovenia, the perpetrator shall be sentenced to imprisonment for not more than eight years.

#### Damaging of Another's Object

##### Article 224

(1) Whoever damages, destroys or renders an object belonging to another unfit for use shall be punished by a fine or by imprisonment for not more than two years.

(2) If the damages thereby incurred are of considerable value, the perpetrator shall be sentenced to imprisonment for not more than five years.

(3) The prosecution for the offence under the first paragraph of the preceding article shall be initiated upon a complaint.

#### Damaging of Computer Data and Programs

##### Article 225

(1) Whoever without authorisation alters or deletes any computer data or program intended for computer processing and application or otherwise renders the same unserviceable shall be sentenced to imprisonment for not more than two years.

(2) Any attempt to commit this offence is punishable.

(3) If the damages incurred by the committing of the offence under the first paragraph of the present article are considerable, the perpetrator shall be sentenced to imprisonment for not less than three months and not more than five years.

#### Arson

#### Article 226

(1) Whoever sets fire to another's house or other building intended for habitation, outbuilding, business premises or any other public building shall be sentenced to imprisonment for not less than one and not more than eight years.

(2) If the property under the preceding paragraph belongs to a perpetrator who has set fire to it out of malicious or other vile motives, the perpetrator shall be sentenced to imprisonment for not more than five years.

#### Damaging of Dwellings and Business Buildings and Premises

#### Article 227

(1) A tenant, person occupying the dwelling besides the tenant, or owner, manager or housekeeper who unlawfully removes the inner or outer devices, installations or any part thereof from the dwelling or business premises or otherwise damages the same, thereby substantially reducing the practical use of such premises shall be punished by a fine or sentenced to imprisonment for not more than one year.

(2) If due the result of the offence under the preceding paragraph the building or dwelling or business premises have become completely unserviceable the perpetrator shall be sentenced to imprisonment for not more than three years.

#### Unlawful Occupation of Dwelling or Premises Belonging to Another

#### Article 228

(1) Whoever unlawfully moves into a dwelling or other premises belonging to another shall be punished by a fine or sentenced to imprisonment for not more than one year.

(2) Any attempt to commit this offence is punishable.

(3) If the court imposes a suspended sentence for the committing of such an offence, it may order the perpetrator to vacate the dwelling or premises concerned within a specified period of time.

#### Damaging of Rights of Other Persons

#### Article 229

(1) Whoever with the intention of preventing another person from satisfying a claim upon a thing, alienates, destroys, damages or takes his own thing on which that person has the right of mortgage or of usufruct, shall be punished by a fine or sentenced to imprisonment for not more than one year.

(2) Whoever, with the intention of preventing the creditor from being paid during the course of a compulsory order destroys, damages, alienates or hides any part of his property and thereby impairs the position of the creditor shall be punished to the same extent.

(3) The prosecution for the offence under the first and second paragraphs of the present article shall be initiated upon a complaint.

#### Prosecution When the Perpetrator is Closely Related to the Injured Person

##### Article 230

For criminal offences under Articles 211, 212, 215(1),(2),(4) and (5), 216, 217, 220(1) and 224 of the present Code committed against a spouse, lineal relative, brother, sister or first cousin up to three times removed, a relative by marriage up to twice removed, adoptive parent, adopted child, foster parent, foster child or other person living in the same household as the perpetrator, the prosecution shall be initiated upon a private action

#### Chapter Twenty-Four

##### CRIMINAL OFFENCES AGAINST ECONOMY

##### Creating a Position of Monopoly

##### Article 231

Whoever, in pursuing an economic activity, makes an unlawful agreement either restricting another commercial company's participation in the free trade of goods or services or otherwise establishing the monopoly power of the commercial company on the relevant market and by coincidence of which agreement a large property benefit is gained by the commercial company in question or a large property loss is incurred by a third person shall be sentenced to imprisonment for not more than three years.

##### False Bankruptcy

##### Article 232

Whoever, with the intention of not paying what he is obliged to pay, apparently or actually worsens his own or a third person's financial circumstances, thus causing bankruptcy by:

1) the apparent sale, cession without charge, or conveyance for an extremely low price of property or a part thereof;

2) the conclusion of a false agreement on debt or the concession of a false claim; 3) concealing, destroying or falsifying the business books and documents or keeping them in such a manner which renders the identification of the actual financial circumstances impossible shall be sentenced to imprisonment for not less than six months and not more than five years.

### Causing of Bankruptcy by Business Mismanagement

#### Article 233

Whoever, aware of himself or a third person being insolvent, causes bankruptcy and a large property loss for debtors by the unreasonable spending of assets, their alienation for an exceptionally low price, excessive contracting of debts, assuming of disproportionate obligations, conclusion or renewal of contracts with persons who are, to his knowledge, insolvent, failure to realise claims in due time or other breaches of his duties concerning the management of property or economic activity shall be sentenced to imprisonment for not than five years.

### Defrauding of Creditors

#### Article 234

(1) Whoever, while engaging in economic activities, is aware of himself or a third person being insolvent and who, by payment of a debt or otherwise, intentionally puts a certain creditor in a preferential position, thereby causing a large property loss to other creditors shall be sentenced to imprisonment for not more than five years.

(2) Whoever, knowing that he or a third person is insolvent, and with the intention of defrauding or causing damage to creditors, concedes a false claim, drafts a false contract or otherwise causes a large property loss to creditors shall be punished to the same extent.

### Business Fraud

#### Article 234 a

(1) Whoever, while engaging in economic activities or concluding or implementing a contract or business, deceives another by demonstrating that the obligations shall be fulfilled, or by concealing the fact that the obligations cannot or shall not be fulfilled, where property loss is caused to the client or any other person due to the full or partial failure to fulfil obligations, shall be sentenced to imprisonment up to five years.

(2) If a large property loss has been caused due to an offence from the preceding paragraph, the perpetrator shall be sentenced to imprisonment from one up to ten years.

### Organising Pyramids and Illegal Gambling

#### Article 234 b



(1) Whoever, with the intention of acquiring an illegal property benefit for himself or any other person, organises, participates or assists in organising gambling or activities where participants pay certain sums of money to participants who joined the gambling or activity before them and who expect a certain sum of money to be paid by participants who are expected to join such gambling or activities after they have joined, shall be punished to imprisonment up to three years.

(2) Whoever, with the intention of acquiring an illegal property benefit for himself or any other person, organises, participates or assists in organising gambling for which no licence or concession of a competent authority has been issued, shall be punished to the same extent.

(3) If a large property loss has been caused due to offences from the preceding paragraphs, the perpetrator shall be sentenced to imprisonment for not less than one and not more than eight years.

### Fraud in Obtaining Loans or Benefits

#### Article 235

Whoever, without having complied with the conditions required for obtaining a loan, investment assets, a subsidy or any other benefit intended for the performance of an economic activity, obtains such a loan or other benefit for himself or for a third person by presenting to the lender or other person whose job it is to approve such a loan or benefit false or incomplete data concerning the balance of assets, balance sheets, profits, losses or any other fact relevant to the approval of the above mentioned loan or other benefit shall be punished by a fine or sentenced to imprisonment for not more than three years.

### Fraud in Trading With Securities

#### Article 236

Whoever, in trading stocks or other securities or options, falsely represents the balance of assets, the data on profits and losses or any other data which have considerable influence on the value of the above mentioned securities, thereby inducing one or more persons to make a purchase or sale of such securities, shall be punished by a fine or sentenced to imprisonment for not more than two years.

### Deception of Purchasers

#### Article 237

(1) Whoever, with the intention of deceiving purchasers, puts into circulation to a considerable extent products labelled with false information about their content, type, origin or quality, or products whose weight or quality does not correspond to the required standards applying to such products' weight or quality, or products which are not duly labelled so as to point out their

content, type, origin, quality or use-by date, shall be punished by a fine or sentenced to imprisonment for not more than two years.

(2) Whoever makes contracts that contain false declarations regarding the terms of supply or the mode of fulfilment of obligations, any such declaration being the essential component of the contract, shall be punished to the same extent.

(3) Whoever, with the intention of deceiving purchasers or consumers of services, falsely declares a reduction in prices, sales of merchandise or announces an impending price increase, or uses any other deceptive advertising, shall be punished by a fine.

#### Unauthorised Use of Another's Trade Name, Sample or Model

##### Article 238

(1) Whoever, while engaging in economic activities, with the intention of deceiving purchasers or consumers of services; uses another's trade name, another's brand, another's goods trademark or services trademark or another's trademark on geographic origin or other special trademark of goods, or whoever uses particular components of another's mark in his own trade name, brand, protected mark or special trademark of goods shall be sentenced to imprisonment up to three years.

(2) Whoever, with the intention of deceiving purchasers, exploits in production another's sample or another's model without due authorisation or puts articles manufactured on such basis into circulation, shall be punished to the same extent.

(3) Objects under the first and the second paragraphs shall be seized.

#### Unauthorised Use of Another's Patent

##### Article 239

(1) Whoever, in performing business operations, uses a patent registered or protected by another person without due authorisation or a registered topography of the circuit of a semiconductor shall be punished to imprisonment up to three years.

(2) Products manufactured on the basis of unauthorised use from the preceding paragraph shall be seized.

#### Forgery or Destruction of Business Documents

##### Article 240

(1) Whoever enters false information or fails to enter any relevant information into business books, documents or files which he is obliged to keep under the statute or regulations derived therefrom and which are essential for the operation of business with other legal or natural persons or intended for making decisions concerning economic or financial activities, or whoever certifies such a book, document or file containing false information with his signature or renders possible the creation of such a book, document or file, shall be sentenced to imprisonment for not more than two years.

(2) Whoever uses a false business book, document or file as truthful or whoever destroys or hides books, documents or files under the preceding paragraph or substantially damages or renders the same useless, shall be punished to the same extent.

(3) Any attempt to commit the offence under the first or the second paragraph of the present article will be punishable.

### Disclosure and Unauthorised Acquisition of Trade Secret

#### Article 241

(1) Whoever, in non-compliance with his duties to protect trade secrets, communicates or conveys information designated as a trade secret to another person or otherwise provides him with access to such information or with the possibility of collecting such information in order to convey the same to an unauthorised person shall be sentenced to imprisonment for not more than three years.

(2) Whoever procures information designated as a trade secret with the intention of using it without authority shall be punished to the same extent.

(3) If the information under the above two paragraphs is of special importance or if it has been conveyed to a third person with a view to being transferred abroad or if the offence has been committed out of greed, the perpetrator shall be sentenced to imprisonment for not more than five years.

(4) If the offence under the first or third paragraphs of the present article has been committed through negligence, the perpetrator shall be sentenced to imprisonment for not more than one year.

(5) A trade secret shall consist of documents and information which are declared to be industrial, bank or other trade secrets by the statute, ordinance of corporation, regulations or other legal documents or ordinances issued by the competent authority or other authorised person, and which are of such importance that their disclosure would obviously or could involve the occurrence of considerably harmful consequences.

### Breaking into the Computer System

#### Article 242

(1) Whoever, in the performance of business operations, without authority inserts, alters, hides, deletes or destroys any data or computer program or otherwise breaks into the computer system in order either to procure an unlawful property benefit for himself or a third person or to cause damage to the property of another shall be sentenced to imprisonment for not more than three years.

(2) If the offence under the above paragraph has resulted in a large loss of property or a large property benefit and if the perpetrator intended to cause such loss of property or to gain such property benefit, he shall be sentenced to imprisonment for not more than five years.

#### Abuse of Insider Information

##### Article 243

Whoever, in non-compliance with his duties to protect the internal information of which he learns through the performance of an economic activity or ex officio, communicates a piece of information unknown to the public and capable of influencing the price of securities to an unauthorised person or otherwise uses such information for his personal gain, thereby securing an unfair advantage for any natural or legal person on the established securities market, shall be sentenced to imprisonment for not more than three years.

#### Abuse of Position or Rights in Business Activity

##### Article 244

(1) Whoever, in the performance of an economic activity, abuses his position or acts beyond the limits of the rights inherent in his position or fails to perform any of his duties with a view to procuring an unlawful property benefit for himself or for a third person or to causing damage to the property of another, whereby such conduct does not constitute any other criminal offence, shall be sentenced to imprisonment for not more than five years.

(2) If a large loss of property has been caused or a large property benefit acquired through the committing of the offence under the above paragraph and if the perpetrator intended to cause such loss of property or to gain such property benefit, he shall be sentenced to imprisonment for not more than eight years.

#### Misappropriation

##### Article 245

(1) Whoever unlawfully appropriates money, securities or any other movable property entrusted to him by virtue of the performance of an economic activity, shall be sentenced to imprisonment for not more than five years.

(2) If a large property benefit has been gained by the committing of the offence under the above paragraph and if the perpetrator intended to gain such property benefit, he shall be sentenced to imprisonment for not more than eight years.

(3) If the appropriated property is of low value and the perpetrator's intention was to appropriate the property of such value, he shall be punished by a fine or sentenced to imprisonment for not more than one year.

### Misappropriation of Entrusted Property

#### Article 246

(1) Whoever without authority uses money, securities or any other movable property entrusted to him by virtue of the performance of an economic activity, shall be punished by a fine or sentenced to imprisonment for not more than three years.

### Unjustified Acceptance of Gifts

#### Article 247

(1) Whoever, in the performance of an economic activity, requests or agrees to accept a disproportionate award, gift or other property benefit in order to neglect the interests of his organisation or to cause damage to the same when concluding a contract or performing a service, shall be punished by a fine or sentenced to imprisonment for not more than three years.

(2) The perpetrator of the offence under the preceding paragraph of the present article, who requests or agrees to accept a disproportionate award, gift or other property benefit for himself or any third person in exchange for making a contract or performing a service, shall be sentenced to imprisonment for not more than three years.

(3) The perpetrator of the offence under the first paragraph of the present article who requests or agrees to accept an award, gift or other property benefit after the contract is concluded or service performed, shall be sentenced to imprisonment for not more than one year.

(4) The accepted gift or award shall be seized.

### Unjustified Giving of Gifts

#### Article 248

(1) Whoever gives, attempts to give or promises to give a disproportionate award, gift or any other property benefit to a person performing an economic activity with a view to obtaining any unjustified favor in the meaning of a contract under Article 247 of the present Code, shall be sentenced to imprisonment for not more than three years.

(2) If the perpetrator under the previous paragraph declare the offence before it was detected or he knew it had been detected, his punishment may be remitted.

(3) The given award, gift or other property benefit shall be seized, while in the case under the preceding paragraph the same may be returned to the person who gave it.

## Counterfeiting of Money

### Article 249

- (1) Whoever makes counterfeit money with the intention of putting it into circulation as genuine or alters genuine money with the same intention or puts such false money into circulation, shall be sentenced to imprisonment for not less than six months and not more than eight years.
- (2) Whoever acquires counterfeit money with the intention of putting it into circulation as genuine shall be punished to the same extent.
- (3) If the offence under the preceding paragraph has caused disturbance to the national economy, the perpetrator shall be sentenced to imprisonment for not less than one and not more than ten years.
- (4) Whoever puts false money which he received as genuine into circulation, or whoever knows that money was counterfeited or put into circulation and fails to declare such offences, shall be punished by a fine or sentenced to imprisonment for not more than six months. (5) Counterfeit money shall be seized.

## Fabrication and Use of Counterfeit Stamps of Value or Securities

### Article 250

- (1) Whoever fabricates counterfeit fiscal, postage or other stamps of value or alters any of these stamps with the intention of using it as genuine or of conferring it to a third person for his use, or whoever uses counterfeit stamps of value as genuine or acquires them for such a purpose, shall be sentenced to imprisonment for not more than three years.
- (2) If the stamps under the preceding paragraph are of a high value, the perpetrator shall be sentenced to imprisonment for not less than six months and not more than five years. (3)
- (3) Whoever fabricates counterfeit securities or alters any security with the intention of using it as genuine or of conferring it to a third person for his use, or whoever uses counterfeit securities as genuine or acquires them for such a purpose, shall be sentenced to imprisonment for not less than one and not more than eight years.
- (4) If the offence under the preceding article has caused disturbance to the national economy, the perpetrator shall be sentenced to imprisonment for not less than one and not more than ten years.
- (5) Whoever removes the official stamp by means of which stamps of value under the first paragraph of the present article are cancelled or otherwise tries to make such stamps of value appear to have been unused, or whoever applies already used stamps of value or sells them as valid, shall be punished by a fine or sentenced to imprisonment for not more than one year.
- (6) Counterfeit stamps of value and securities shall be seized.

## Fabrication, Acquisition and Disposing of Instruments of Forgery

### Article 251

(1) Whoever fabricates, acquires, or sells instruments for forging money, stamps of value or securities, or otherwise makes such instruments available for use, shall be sentenced to imprisonment for not more than two years.

(2) The instruments of forgery shall be seized.

## Money Laundering

### Article 252

(1) Whoever accepts, exchanges, stores, disposes, uses in an economic activity or in any other manner determined by the statute conceals or attempts to conceal by [money] laundering the origin of money or property that was, to his knowledge, acquired through the commission of a criminal offence,

shall be punished by imprisonment of up to five years.

(2) Whoever commits the offence under the preceding paragraph and is simultaneously the perpetrator of or participant in the criminal offence with which the money or property under the preceding paragraph were acquired,

shall be punished to the same extent.

(3) If money or property from the first or second paragraph of this Article are of a large value,

the perpetrator shall be punished by imprisonment of up to eight years and by a fine.

(4) If an offence from the preceding paragraphs was committed within a criminal association for the commission of such criminal offences,

the perpetrator shall be punished by imprisonment of one up to ten years and by a fine.

(5) Whoever should and could have known that the money or property had been acquired through a criminal offence, and who commits the offences from the first or third paragraphs,

shall be punished by imprisonment of up to two years.

(6) Money and property from previous paragraphs shall be confiscated.

## Presentation of Bad Cheques and Abuse of Bank or Credit Cards

Article 253

(1) Whoever, with the intention of procuring an unlawful property benefit for himself or for a third person, passes or presents a cheque which he knows to be uncovered by funds, thereby acquiring a property benefit, shall be sentenced to imprisonment for not more than five years.

(2) Whoever, with the intention under the preceding paragraph, uses a bank card in a bank machine for drawing money in cash although he knows that such a withdrawal is not covered by funds in his current account, or whoever uses a credit card even though he knows that on payment he will not be able to cover the amount in question, thus gaining a property benefit, shall be punished to the same extent.

(3) If a major property benefit has been gained through any of the offences under the first and second paragraphs of the present article, the perpetrator shall be sentenced to imprisonment for not less than one and not more than eight years.

Tax Evasion

Article 254

(1) Whoever, with the intention either of evading, in whole or in part, the payment of income tax or any other prescribed tax or levy by himself or of enabling another person to do so, provides false information about income, expenses, property or other circumstances relevant to taxation, or otherwise defrauds the tax authorities, whereby the amount of tax evaded represents a major property benefit, shall be sentenced to imprisonment for not more than three years.

(2) Whoever, with the intention under the previous paragraph, fails to report income or other circumstances -whose report is mandatory and which have an influence upon the assessment of tax obligations, whereby such obligations which he intended to evade represent a major property benefit, shall be punished to the same extent.

(3) If a major property benefit has been gained though the offence under the first or second paragraphs of the present article and the perpetrator intended to gain such property benefit, he shall be sentenced to imprisonment for not more than five years.

Smuggling

Article 255

(1) Whoever is engaged in the transportation of goods across the customs line, thereby avoiding customs control measures, or whoever transports goods of high value across the customs line, thereby avoiding customs control measures or whoever transports such goods in a group or whoever carries weapons or who uses force or threatens to do so, shall be punished by a fine or sentenced to imprisonment for not more than three years.

(2) Whoever establishes an association whose purpose is to perpetrate criminal offences under the preceding paragraph, shall be punished by a fine or sentenced to imprisonment for not more than two years.



(3) Whoever joins the above mentioned association, shall be punished by a fine or sentenced to imprisonment for not more than one year.

(4) The contraband property shall be seized.

## Chapter Twenty-Five

### CRIMINAL OFFENCES AGAINST LEGAL TRANSACTIONS

#### Forging of Documents

##### Article 256

(1) Whoever draws up a false document or alters a genuine document with the intention of using such a document as genuine or whoever uses a false or altered document as genuine,

shall be punished by imprisonment of up to two years.

(2) An attempt [to commit an offence from preceding paragraph] shall be punishable.

(3) Whoever draws up a false public document, will, public or official book or any other book which has to be kept under the terms of the statute, alters a genuine document of this kind, or puts into circulation or stores such a false or altered document with the purpose of using it or uses it as genuine,

shall be punished by imprisonment of up to three years.

#### Special Cases of Forging Documents

##### Article 257

The punishments provided for forging of documents under the preceding Article shall apply to:

- 1) whoever without authority fills with any statement that is relevant to legal relations to any writing, blank form or other document previously signed by another person;
- 2) whoever misinforms another of the contents of any document, inducing him thereby to sign such a document when he believes himself to be signing some other document or other contents;
- 3) whoever issues any document either in the name of another person without his authorisation or in the name of a non-existent person;
- 4) whoever, as an issuer of a document, adds to his signature any position or title to which he is not entitled and which has an essential influence on the evidentiary value of the issued document;
- 5) whoever draws up a document with the unauthorised use of a valid seal or mark.

#### Certification of Untrue Contents

##### Article 258

(1) Whoever deceives a competent body so as to certify any untrue matter in a public document, record, book or business document which is intended to serve as evidence in legal transactions,

shall be punished by imprisonment of up to three years.

(2) Whoever uses a public document, record, book or business document under the preceding paragraph though he knows that to be untrue,

shall be punished to the same extent [as provided for in previous paragraph].

#### Issuance and Use of False Medical or Veterinary Certificate

##### Article 259

(1) A physician or veterinary surgeon who knowingly issues a false medical or veterinary certificate, shall be sentenced to imprisonment for not more than one year.

(2) Whoever knowingly uses the false certificate under the preceding paragraph, shall be punished by a fine or sentenced to imprisonment for not more than six months.

#### Fabricating of Counterfeit Marking Trademarks, Measures and Weights

##### Article 260

(1) Whoever with an intention, to use them as genuine, fabricates false trademarks for the marking of domestic or foreign commodities, such as seals, stamps or other labels for the marking of gold, silver, livestock, timber or other commodities, or whoever alters the genuine labels or uses counterfeit labels as genuine, shall be punished by a fine or sentenced to imprisonment for not more than two years.

(2) Whoever fabricates measures or weights or uses them in measuring as genuine, shall be punished to the same extent.

(3) Whoever without authority fabricates, acquires or sells instruments for the fabrication of counterfeit-marking trademarks, measures or weights or makes them available for use, shall be sentenced to imprisonment for not more than one year.

(4) Counterfeit labels, measures and weights as well as instruments for fabrication thereof shall be seized.

#### Chapter Twenty-Six

#### CRIMINAL OFFENCES AGAINST OFFICIAL DUTIES AND PUBLIC AUTHORISATIONS

##### Abuse of Office or Official duties

##### Article 261

(1) An official who, with the intention of procuring any non-property benefit for himself or another or of causing damage to another, abuses his office or exceeds the limits of his official

duties or fails to perform his official duties, shall be sentenced to imprisonment for not more than one year.

(2) If, by perpetration of the offence, the perpetrator causes substantial damage or seriously encroaches upon the rights of another, he shall be sentenced to imprisonment for not more than three years.

(3) An official who, with the intention of procuring a property benefit for himself or for another, abuses his office or exceeds the limits of his official duties or fails to perform his official duties, whereby such conduct does not constitute any other criminal offence, shall be sentenced to imprisonment for not less than three months and not more than five years.

(4) If, by perpetration of the offence, the perpetrator has acquired a large property benefit which corresponds to his initial intent, he shall be sentenced to imprisonment for not less than one and up to eight years.

#### Misfeasance in Office

##### Article 262

An official who knowingly violates regulations and other prescriptions or fails to exercise due supervision or performs his duties in an otherwise unscrupulous manner even though he predicts or should and could predict that such conduct might cause a serious violation of the rights of another or a major damage to public property or a major loss of property and such a violation or damage actually occurs, shall be punished by a fine or sentenced to imprisonment up to one year.

#### Misappropriation in Office

##### Article 263

(1) An official who unlawfully appropriates money, securities or any other movable property entrusted to him ex officio, shall be sentenced to imprisonment for not more than five years.

(2) If a major property benefit has been gained by the committing of the offence under the above paragraph and if the perpetrator intended to gain such a property benefit, he shall be sentenced to imprisonment for not more than eight years.

(3) If the appropriated property is of low value and the perpetrator's intention was to appropriate the property of such value, he shall be punished by a fine or sentenced to imprisonment for not more than one year.

#### Misapplication of Entrusted Property in Office

##### Article 264

An official who without authority uses money, securities or any other movable property entrusted to him ex officio, shall be punished by a fine or sentenced to imprisonment for not more than three years.

#### Forgery or Destruction of Official Book, Document or File

##### Article 265

(1) An official who enters false information or fails to enter any relevant information into an official book, document or file, or certifies such a book, document or file containing false information with his signature or renders the creation of such a book, document or file possible, shall be sentenced to imprisonment for not more than three years.

(2) An official who uses a false official book, document or file as genuine or who destroys or hides books, documents or files under the preceding paragraph or substantially damages or renders the same useless, shall be punished to the same extent.

(3) Any attempt to commit the offence under the first or the second paragraphs of the present article shall be punishable.

#### Disclosure of Official Secret

##### Article 266

(1) An official or any other person who, in non-compliance with his duties to protect official secrets, communicates or conveys information designated as an official secret to another person or otherwise provides him with access to such information or with the possibility of collecting such information in order to convey the same to an unauthorised person, shall be sentenced to imprisonment for not more than three years.

(2) Whoever, with the intention of using it without authority, obtains information protected as a trade secret or publishes such information publicly, shall be punished to the same extent.

(3) If the offence from the above two paragraphs has been committed out of greed or with a view to publishing the information concerned abroad, the perpetrator shall be sentenced to imprisonment for not more than five years.

(4) If the offence under the first or the third paragraphs of the present article has been committed through negligence, the perpetrator shall be sentenced to imprisonment for not more than one year.

(5) An official secret shall consist of information so designated by the statute, by other regulations or prescriptions or by the decree passed by the competent authority on the basis of the statute which is of such importance that its disclosure would or could involve the occurrence of considerably harmful consequences for the office.

#### Acceptance of Bribe

### Article 267

- (1) An official who requests or agrees to accept a gift or other favor or who accepts the promise of the same in order either to perform an official act within the scope of his official duties which should not be performed or not to perform an official act which should be performed, shall be sentenced to imprisonment for not less than one and not more than five years.
- (2) An official who requests or agrees to accept a gift or other favor or who accepts the promise of the same in order either to perform an official act within the scope of his official duties which he should perform in any case or not to perform an official act which he should not perform in any case, shall be sentenced to imprisonment for not more than three years.
- (3) An official who requests or accepts a gift or other favor with respect to the performance of the official act under the first or second paragraphs of the present article after the official act is actually performed or omitted, shall be punished by a fine or sentenced to imprisonment for not more than one year.
- (4) The accepted gift shall be seized.

### Giving of Bribe

#### Article 268

- (1) Whoever gives, attempts to give or promises a gift to an official in order for him either to perform an official act within the scope of his official duties which should not be performed or not to perform an official act which should be performed, or whoever serves as an agent for the purpose of bribing an official, shall be sentenced to imprisonment for not more than three years.
- (2) Whoever gives, attempts to give or promises a gift to an official in order for him either to perform an official act within the scope of his official duties which he should perform in any case or not to perform an official act which he should not perform in any case, shall be sentenced to imprisonment for not more than one year.
- (3) If the perpetrator under the previous paragraph had declared such an offence before it was detected or he knew it had been detected, his punishment may be remitted.
- (4) The given gift shall be seized while in the case under the preceding paragraph the same may be returned to the person who gave it.

### Illegal Intermediation

#### Article 269

- (1) Whoever accepts a gift or any other favor in order to use his official or social rank and influence to intervene so that a certain official act be or not be performed, shall be punished by a fine or sentenced to imprisonment for not more than one year.

(2) Whoever uses his official or social rank and influence to intercede either for the performance of a certain official act which should not be performed or for the non-performance of an official act which should be performed, shall be punished to the same extent.

(3) If the perpetrator accepts any gift or other favor in exchange for his intervention, shall be sentenced to imprisonment for not more than three years.

(4) The above mentioned gift shall be seized.

#### Violation of Human Dignity by Abuse of Official Position or Official Rights

##### Article 270

An official person exercising his office who, by abuse of his official position or official rights, treats another person badly, insults him, inflicts light bodily harm upon him or otherwise treats him in such a manner so as to affect his human dignity,

shall be punished by imprisonment of up to three years.

#### Extortion of a Statement

##### Article 271

(1) An official person who, in the exercising his office or public authorisations, applies force, threat or other not allowed means or not allowed manner in order to extort a deposition or other statement from the accused, or from a witness, expert witness or any other person,

shall be punished by imprisonment of three months up to five years.

(2) If the offence under the preceding paragraph has been committed in an extremely violent manner or if, by the extortion of the deposition, the perpetrator has caused severe consequences for the accused that is in criminal proceedings,

he shall be punished by imprisonment of one up eight years.

#### Misappropriation of Property in the Course of Investigation

##### Article 272

(1) An official who, during the search of a dwelling, premises or persons or in the course of judicial or administrative proceedings, takes property with the intention of appropriating it unlawfully, shall be sentenced to imprisonment for not less than six months and not more than five years.

(2) If the property is of high value and the perpetrator's intention was to appropriate tltp property of such value, he shall be sentenced to imprisonment for not less than one and not more than eight years.

## Chapter Twenty-Seven

### CRIMINAL OFFENCES.AGAINST MILITARY DUTY

#### Non-execution of an Order and Disobedience

##### Article 273

(1) A member of the military who fails to execute an order given by his superior with respect to military service or who refuses to obey his superior, thereby endangering human lives or property of high value, shall be sentenced to imprisonment for not more than two years.

(2) A member of the military who resists a guard, sentry, patrol, orderly soldier or officer or other member of the military exercising his military duty to safeguard security and order in a military unit, shall be punished by a fine or sentenced to imprisonment for not more than one year.

#### Disobeying a Superior

##### Article 274

(1) A member of the military who together with other members of the military disobeys the order of a superior or refuses to carry it out or refuses to perform his duty, shall be sentenced to imprisonment for not less than three months and not more than five years.

(2) A member of the military who uses arms in the committing of the offence under the preceding paragraph, shall be sentenced to imprisonment for not less than one and not more than ten years.

(3) The punishment under the preceding paragraph shall also be imposed on anyone who organizes the offence under the first paragraph of the present article as well as on a military officer who participates in the committing of such an offence.

#### Refusal to Receive or Use Arms

##### Article 275

A member of the military who, contrary to regulations and without having a justified cause, refuses to receive arms or refuses to use the same under order or in accordance with the rules of the service, shall be sentenced to imprisonment for not more than one year.

#### False Report

Article 276

A member of the military who, in the carrying out of his duties, presents a false report or in so doing suppresses any fact which ought not be suppressed, thus endangering human life or property of high value, shall be punished by a fine or sentenced to imprisonment for not more than one year.

Desertion of or Escape from Armed Forces

Article 277

(1) A member of the military who by his own free will deserts his unit or service during the performance of an important task or during a state of increased alert, shall be punished by a fine or sentenced to imprisonment for not more than one year.

(2) Any member of the military who knows of the circumstances under the first paragraph of the present article but fails to return by his own will from an authorised period of leave from the unit or service within the appointed time or who deserts his unit or service for more than ten days by his own will, shall be punished to the same extent.

(3) A member of the military who has gone into hiding in order to evade service in the armed forces, shall be sentenced to imprisonment for not more than three years.

(4) The punishment under the preceding paragraph shall also be imposed on a member of the military who leaves the country and remains abroad in order to evade service in the armed forces.

Maltreatment of Subordinate

Article 278

(1) A military officer who, during or in connection with military service, maltreats his subordinate or violates his human dignity, shall be sentenced to imprisonment for not more than two years.

(2) If a military officer commits the offence under the previous paragraph against more than one person, he shall be sentenced to imprisonment for not more than five years.

Violation of Sentry Regulations

Article 279

(1) A member of the military who endangers human life or property of high value by acting contrary to regulations concerning sentry, patrol, orderly or any other service for the safeguarding of security and order in a military unit, headquarters or institution or for the military protection of objects or areas, shall be sentenced to imprisonment for not more than three years.



(2) If the offence under the preceding paragraph has been committed through negligence, the perpetrator shall be sentenced to imprisonment for not more than one year.

(3) If any of the offences under the first and second paragraphs involves grievous bodily harm to one or more persons, the perpetrator shall be sentenced to imprisonment for not less than one and more than five years for the offence under the first paragraph while for the offence under the second paragraph he shall be sentenced to imprisonment for not more than three years.

(4) If any of offences under the first and second paragraphs of the present article has resulted in the death of one or more persons, the perpetrator shall be sentenced to imprisonment for not less than one and more than twelve years for the offence under the first paragraph while for the offence under the second paragraph he shall be sentenced to imprisonment for not less than one and not more than eight years.

#### Failure to Implement Measures for Protection of Military Unit

##### Article 280

(1) A military officer who endangers human life or property of high value by failing to implement the prescribed or ordered measures for the protection of the lives and health of men entrusted to him, for the safeguarding and maintenance of military installations, objects and means of combat, or for the regular supply of his military unit with food, equipment and materials, or by failing to do what he is obliged to do in order to ensure the satisfactory and timely completion of tasks of protection, shall be sentenced to imprisonment for not more than three years.

(2) If the offence under the preceding paragraph has been committed through negligence, the perpetrator shall be sentenced to imprisonment for not more than one year.

(3) If any of the offences under the first and second paragraphs involves grievous bodily harm to one or more persons, the perpetrator shall be sentenced to imprisonment for not less than one and not more than five years for the offence under the first paragraph while for the offence under the second paragraph he shall be sentenced to imprisonment for not more than three years.

(4) If any of offences under the first and second paragraphs of the present article has resulted in the death of one or more persons, the perpetrator shall be sentenced to imprisonment for not less than one and not more than twelve years for the offence under the first paragraph while for the offence under the second paragraph he shall be sentenced to imprisonment for not less, than one and not more than eight years.

#### Failure to Implement Protective Measures During Military Drills

##### Article 281

(1) A member of the military who during exercises, training or testing courses fails to implement the prescribed or ordered safety or precautionary measures, thereby endangering human life or property of high value, shall be sentenced to imprisonment for not more than three years.

(2) If the offence under the preceding paragraph has been committed through negligence, the perpetrator shall be sentenced to imprisonment for not more than one year.

(3) If any of the offences under the first and second paragraphs involve grievous bodily harm to one or more persons, the perpetrator shall be sentenced to imprisonment for not less than one and not more than five years for the offence under the first paragraph while for the offence under the second paragraph he shall be sentenced to imprisonment for not more than three years.

(4) If any of offences under the first and second paragraphs of the present article has resulted in the death of one or more persons, the perpetrator shall be sentenced to imprisonment for not less than one and not more than twelve years for the offence under the first paragraph while for the offence under the second paragraph he shall be sentenced to imprisonment for not less than one and not more than eight years.

### Disclosure of Military Secret

#### Article 282

(1) A member of the military or any other person who, in non-compliance with his duties to guard military secrets, communicates or confers information designated as a military secret to another person or otherwise provides him with access to such information or with the possibility of collecting such information in order to convey the same to an unauthorised person, shall be punished to imprisonment for not more than five years.

(2) Whoever, with the intention of using it without authority, obtains information that he knows to be guarded as a military secret or whoever makes such information public, shall be punished to the same extent.

(3) If the offence from the above two paragraphs has been committed with respect to information of a highly confidential nature or out of greed or with a view to publishing the information concerned abroad, the perpetrator shall be punished to imprisonment for not less than one and not more than ten years.

(4) If the offence under the first or third paragraphs of the present article has been committed through negligence, the perpetrator shall be punished to imprisonment for not more than three years.

(5) An official secret shall consist of information and documents so designated by the statute, by other regulations or by the decree passed by the competent authority on the basis of the statute and whose disclosure involved or could have involved consequences harmful to the armed forces.

### Liability for Offence Committed by Order of a Superior

#### Article 283

A subordinate shall not be punished if he commits a criminal offence by order or command of a superior issued in the course of military service, unless he has committed a war crime or any other grave criminal offence or if he knew that the carrying out of the order or command constituted a criminal offence.

#### Reduced Punishment in Cases of Provocation

##### Article 284

If the perpetrator of criminal offences under Article 273, the first paragraph of Article 274 or the first paragraph of Article 277 has been provoked by unlawful or brutal conduct on the part of a member of the military, his punishment may be reduced or remitted.

#### Chapter Twenty-Eight

#### CRIMINAL OFFENCES AGAINST ADMINISTRATION OF JUSTICE

##### Failure to Inform Authorities of Preparations for Crime

##### Article 285

(1) Whoever, knowing of preparations to be undertaken for the committing of a criminal offence for which the punishment of more than three years' imprisonment is prescribed by the statute, fails to inform the competent authorities thereof early enough for the committing of the offence in question to be prevented and if the perpetration of such an offence is subsequently attempted or accomplished, shall be sentenced to imprisonment for not more than one year.

(2) If the offence under the preceding paragraph has been committed with respect to a criminal offence for which the imposition of the sentence of twenty years' imprisonment is prescribed by the statute, the perpetrator shall be sentenced to imprisonment for not more than three years.

(3) No punishment shall be imposed on whoever fails to inform the competent authorities of preparations to commit a criminal offence under the first paragraph *of* the present article, provided that he is the spouse, extra-marital partner, lineal relative, brother, sister, adoptive parent or adopted child of the perpetrator. If any of persons above is not to be punished for failure to submit a report of the preparations of crime under the first paragraph of the present article, neither shall his spouse or extra-marital partner be punished for such an offence.

##### Failure to Provide Information of Crime or Perpetrator

##### Article 286

(1) Whoever knows of a perpetrator of a criminal offence for which the sentence of twenty years' imprisonment is prescribed by the statute, or whoever knows of the committing of such a criminal offence and fails to inform the competent authorities thereof whereby such information

is decisive to the discovery of the perpetrator of the crime, shall be sentenced to imprisonment for not more than three years.

(2) An official who knowingly fails to submit a report of a criminal offence of which he comes to know during the performance of his official duties and for which the punishment of more than three years' imprisonment is prescribed under the statute, the perpetrator whereof is prosecuted *ex officio*, shall be sentenced to imprisonment for not more than three years.

(3) No punishment shall be imposed on whoever fails to submit information about a crime, provided that they are either the spouse, extra-marital partner, lineal relative, brother, sister, adoptive parent, adopted child, defence counsel, doctor or confessor of the perpetrator. If any of these persons, except the defence counsel, doctor or confessor, is not to be punished for failure to submit information about the crime under the first paragraph of the present article, neither shall his spouse or extra-marital partner be punished for committing such an offence.

#### Accessory to the Perpetrator after the Commission of Criminal Offence

##### Article 287

(1) Whoever hides the perpetrator of a criminal offence prosecuted *ex officio* or by hiding the instruments or traces of criminal offence or otherwise assists him in order not to be discovered, or whoever hides the convicted person or performs any other act in order to prevent the implementation of a punishment or imposed safety measure or that the measure of committal to an educational centre or reformatory be applied,

shall be punished by imprisonment of up to one year.

(2) If the assistance under the preceding paragraph is provided to the perpetrator of a criminal offence which is punishable by twenty years of imprisonment, the person providing the assistance,

shall be punished by imprisonment up to five years.

(3) The punishment under the first paragraph of the present article may not be heavier, either in type or extent, than the punishment prescribed *for* the criminal offence committed by the person to which the accessory has rendered assistance.

(4) No punishment shall be imposed on whoever fails to provide information about preparations to commit a criminal offence under the first paragraph of the present article, provided that he is the spouse, extra-marital partner, lineal relative, brother, sister, adoptive parent or adopted child of the perpetrator. If any of these persons is not to be punished for being an accessory after the fact under the first or second paragraph of the present Article, neither shall his spouse or extra-marital partner be punished for such an offence.

(5) In the event of the prosecution of the perpetrator of a criminal offence being initiated upon complaint, the same shall apply to the perpetrator of the offence under the first paragraph of the present Article.

### False Reporting of Crime

#### Article 288

(1) Whoever accuses another person of having committed a criminal offence subject to prosecution ex officio, knowing the accusation to be false, shall be sentenced to imprisonment for not more than two years.

(2) The same sentence shall be imposed on whoever shifts the traces of a crime on to another person or otherwise causes the initiation of criminal proceedings against such a person ex officio, in the knowledge that that person is not the perpetrator of the criminal offence concerned.

(3) Whoever falsely indicts himself of a criminal offence subject to prosecution by virtue of office shall be punished by a fine.

(4) The same punishment shall be imposed on whoever alleges a criminal offence, subject to prosecution by virtue of office, to have been perpetrated, knowing the allegation to be false.

### False Deposition

#### Article 289

(1) A witness, expert, appraiser, translator or interpreter who gives a false deposition before the court, in a trial for misdemeanour, in the course of parliamentary investigation, or during disciplinary or administrative proceedings; an expert or appraiser who produces a false opinion in writing; or a translator who makes a false written translation, shall be sentenced to imprisonment for not more than two years.

(2) The same sentence shall be imposed on any party who, being heard in civil, non-contentious, execution or administrative proceedings, produces a false statement upon which the court or other competent authority has based its decision in such proceedings.

(3) For perjuring himself before the criminal court, the perpetrator shall be sentenced to imprisonment for not more than three years.

(4) If the offence under the preceding paragraph entails particularly serious consequences for the accused, the perpetrator shall be sentenced to imprisonment for not less than six months and not more than five years.

(5) If the perpetrator withdraws the false statement before the judgment is passed, he shall be punished by a fine or his punishment shall be remitted.

### Tampering with Evidence

#### Article 290

(1) Whoever, with the intention of preventing or hindering the production of evidence, conceals, destroys or damages a document of another, or renders such a document wholly or partly useless, shall be sentenced to imprisonment for not more than one year.

(2) The same sentence shall be imposed on whoever, with the intention under the previous paragraph, removes, destroys, damages, shifts or displaces a boundary stone, geodetic mark or any other landmark intended to designate the right of real property or the right to use water, as well as whoever, with the same intention, falsely puts up such a landmark.

#### Violation of Secret Proceedings

#### Article 291

(1) Whoever, without authorisation, discloses any matter of which he came to know during the proceedings prior to the trial, during the trial before the court, during oral trial in administrative procedure or during trial for misdemeanour, or in the course of parliamentary investigation, whereby the publication thereof is prohibited either under the statute or by the decision issued by the court or other competent authority, shall be punished by a fine or sentenced to imprisonment for not more than a year.

(2) Whoever, without permission of the court, publishes details of the proceedings against a minor or who publishes his name or other information by inference from which the minor can be identified, shall be punished to the same extent.

#### Preventing of Return to Work

#### Article 292

Whoever knowingly fails to comply with a final judgment entitling a worker to return to his post shall be punished by a fine or sentenced to imprisonment for not more than one year.

#### Violation of Prohibition from Exercising Profession

#### Article 293

Whoever enables another person to perform a profession, activity or function, although knowing that this person has been prohibited from exercising such a profession by the final decision of the court, either under the imposed safety or protection measure of prohibition from exercising occupation or under the legal consequences of the conviction,

shall be punished by a fine or by imprisonment of up to one year.

### Escape from Confinement

#### Article 294

Whoever, by force or threat of imminent attack on life or limb, escapes from a penal institution or detention centre, shall be sentenced to imprisonment for not more than three years.

### Mutiny of Confined Persons

#### Article 295

(1) Whoever forms part of a group of prisoners gathered together with a view to delivering themselves forcibly from detention, or to exercising a joint attack on persons empowered to exercise supervision over them, or to compelling these persons supervising, by means of force or threat of imminent use of force, to commit or omit to commit an act contrary to their duties, shall be sentenced to imprisonment for not more than two years.

(2) The perpetrator of the offence under the preceding paragraph, who has applied force or threat, shall be sentenced to imprisonment for not more than three years.

### Enabling Escape from Confinement

#### Article 296

(1) Whoever, by force, threat, deception, or otherwise enables the escape of a person serving the punishment in a penal institution or a detained person or a person serving a term of detention in health institution according to the safety measure of mandatory psychiatric treatment and custody, or a minor in a reformatory,

shall be punished by imprisonment of up to three years.

(2) If the offence under the preceding paragraph has been perpetrated by an organised group [of persons],

the perpetrator shall be punished by imprisonment of up to five years.

## Chapter Twenty-Nine

### CRIMINAL OFFENCES AGAINST PUBLIC ORDER AND PEACE

#### Criminal Association

#### Article 297

(1) Whoever participates in an organised criminal association which has the purpose of committing criminal offences for which a punishment by imprisonment of more than three years may be imposed,

shall be punished by imprisonment of three months up to five years.

(2) Whoever establishes or manages an association from the preceding paragraph,

shall be punished by imprisonment of six months up to eight years.

(3) A perpetrator of a criminal offence from the preceding paragraphs who prevents further commission of these offences or discloses information which has a bearing on the investigation and proving of criminal offences that have already been committed,

may have his punishment for these offences mitigated, in accordance with Article 42, point 3 of this Code.

### Criminal Conspiracy

#### Article 298

Whoever agrees to commit a criminal offence with another, for which a punishment exceeding five years' imprisonment may be imposed, shall be sentenced to imprisonment for not more than one year.

### Violent Conduct

#### Article 299

(1) Whoever insults another, or treats him in an ugly manner or violently or endangers his security, thereby provoking endangerment, indignation or fright in public or in family,

shall be punished by imprisonment of up to two years.

(2) If the offence under the above paragraph has been committed by at least two or more persons, or has entailed the serious humiliation of several persons or light bodily harm,

the perpetrator shall be punished by imprisonment of up to three years.

### Stirring up Hatred, Strife or Intolerance based on Violation of the Principle of Equality

#### Article 300



(1) Whoever provokes or stirs up ethnic, racial or religious hatred, strife or intolerance or disseminates ideas on the supremacy of one race over another or provides aid in any manner for racist activity or denies, diminishes the significance of, approves of or advocates genocide,

shall be punished by imprisonment of up to two years.

(2) If the offence under the preceding paragraph has been committed by coercion, maltreatment, endangering of security, desecration of national, ethnic or religious symbols, damaging of the movable property of another, desecration of monuments or memorial stones or graves,

the perpetrator shall be punished by imprisonment of up to five years.

(3) Material and objects bearing messages from the first paragraph of this Article, and all devices intended for their manufacture, multiplication and distribution, shall be confiscated or their use disabled in an appropriate manner.

#### Participation in Group Committing a Criminal Offence

##### Article 301

(1) Whoever participates in a group which, through collaboration, commits violence against people, destroys or damages property of considerable value or attempts to commit such criminal offences, shall be sentenced to imprisonment for not more than two years.

(2) If the action of the group under the preceding paragraph entails the death of or grievous bodily harm to a human being, the person(s) participating shall be sentenced to imprisonment for not more than three years.

(3) The leader of the group which has committed the offence under the first or second paragraphs of the present article shall be sentenced to imprisonment for not less than six months and not more than five years.

#### Obstructing of Official in Performance of Official Act

##### Article 302

(1) Whoever, by force or threat of imminent use of force, prevents an official from performing an official act which he intended to perform within the scope of his official duties, or whoever in the same manner compels an official to perform an official act, shall be sentenced to imprisonment for not more than two years.

(2) Any attempt to commit such an offence shall be punishable.

(3) If the perpetrator under the first paragraph of the present article insults the official, maltreats him or inflicts actual bodily harm upon him, he shall be sentenced to imprisonment for not more than three years.

(4) Whoever commits the offence under the first or third paragraphs of the present article against an official exercising tasks of national security, pursuing the perpetrator of a criminal offence or guarding a detained person, shall be sentenced to imprisonment for not more than five years.

(5) If the perpetrator of the offence from the first to the fourth paragraphs of the present article was provoked by the unlawful or brutal conduct of the official, he shall be punished by a fine or sentenced to imprisonment for a term not exceeding six months, or his punishment may be remitted.

#### Attack on Official Exercising Tasks of Security

##### Article 303

(1) Whoever attacks an official or another person who he knows to be assisting that official in exercising tasks relating to public or national security or in safeguarding public order, or whoever seriously threatens such an attack, shall be sentenced to imprisonment for not more than two years.

(2) If the perpetrator under the first paragraph of the present article threatens the official, or other person who he knows to be assisting that official, with weapons, maltreats him or inflicts actual bodily harm upon him, he shall be sentenced to imprisonment for not more than three years.

(3) The punishment under the above paragraph shall be imposed on the perpetrator who has committed the offence under the first paragraph of the present article against two or more persons.

#### Participation in Group Obstructing Official in Performance of Official Act

##### Article 304

(1) Whoever participates in a group which, through collaborative action, prevents or attempts to prevent an official from performing an official act or in the same manner compels an official to perform an official act, shall be, for the act of participation itself, sentenced to imprisonment for not more than one year.

(2) The leader of the group which has committed the offence under the preceding paragraph shall be sentenced to imprisonment for not more than three years.

#### Incitement to Rebellion

##### Article 305

(1) Whoever incites other persons to violate lawful decisions and measures taken by state authorities or to rebel against an official performing an official act, shall be sentenced to imprisonment for not more than one year.

(2) If any decision or measure in question has not been implemented or its implementation has been considerably hampered as a result of the offence under the preceding paragraph or if the same has been committed by the leader of the group, the perpetrator shall be sentenced to imprisonment for not more than three years.

#### Removal or Damaging of Official Seal or Mark

##### Article 306

Whoever removes or damages an official seal or mark used by an official in order to protect certain objects or premises, or whoever enters such premises without removing or damaging the seal or mark, shall be punished by a fine or sentenced to imprisonment for not more than six months.

#### Detachment or Destruction of Official Seal or Official Documents

##### Article 307

(1) Whoever unlawfully detaches, hides, destroys, damages or otherwise renders useless an official seal, book, file or document belonging to or being in the possession of a state agency, commercial company or other legal entity or a person or an individual executing tasks under public authorisation, shall be sentenced to imprisonment for not more than two years.

(2) Any attempt to commit such an offence shall be punishable.

#### False Impersonation

##### Article 308

(1) Whoever falsely represents himself as an official or a member of the military or whoever bears the insignia of an official or a member of the military with the intention of procuring an advantage for himself or another or of causing damage to another, shall be punished by a fine or sentenced to imprisonment for not more than one year.

(2) The same punishment shall be imposed on whoever performs any act which only an official or a member of the military is entitled to perform.

#### Manufacture and Acquisition of Weapons and Instruments Intended for Committing of Criminal Offence

##### Article 309

(1) Whoever manufactures or acquires weapons, explosive materials or poisons which he knows to be intended for the committing of a criminal offence, or whoever provides another person with access to the same, shall be sentenced to imprisonment for not more than two years.

(2) Whoever manufactures or offers to another a false key, lock-pick or any other instrument of burglary, though he knows it to be intended for the committing of a criminal offence, shall be sentenced to imprisonment for not more than one year.

(3) The punishment under the above paragraph shall be imposed on whoever designs, acquires, sells or makes available instruments intended for the breaking into of computer systems.

### Illegal Manufacture of and Trade in Weapons or Explosive Materials

#### Article 310

(1) Whoever unlawfully manufactures, sells, acquires, barter or imports into the country firearms, ammunition or explosive materials or any other means of combat, trade in which is prohibited to individuals or is restricted, shall be sentenced to imprisonment for not more than three years.

(2) If the offence under the preceding paragraph involves a large quantity of or very valuable or dangerous firearms, ammunition, explosive substances or other means of combat, the perpetrator shall be sentenced to imprisonment for not less than six months and not more than five years.

(3) Whoever establishes an association for the purposes of perpetrating criminal offences under the first or second paragraphs of the present article, shall be sentenced to imprisonment for not more than two years.

(4) Whoever joins the above association shall be sentenced to imprisonment for not more than one year.

### Prohibited Crossing of State Border

#### Article 311

(1) Whoever, without the prescribed permit, crosses or attempts to cross the border of the Republic of Slovenia armed with weapons or by force,  
shall be punished to a term of up to three years of imprisonment.

(2) Whoever is engaging in the prohibited transit of other persons across the border of the Republic of Slovenia, or whoever transits another person or several other persons across the border out of greed,  
shall be punished to a term of up to five years of imprisonment.

(3) Whoever commits offence under the preceding paragraph as member of an association for the commission of such offences or if a large material benefit has been acquired through such offence,  
shall be punished to a term of one up to eight years of imprisonment.

## Abuse of Help and Danger Signals

### Article 312

Whoever abuses a distress or danger signal or makes an undue call for help, thus causing a state body or other authorised organisation to act unnecessarily, shall be punished by a fine or sentenced to imprisonment for not more than one year.

## Self-Willed Exercise of Rights

### Article 313

(1) Whoever exercises an existing or an alleged right outside the prescribed legal process shall be punished by a fine or sentenced to imprisonment for not more than six months.

(2) Whoever exercises an existing or an alleged right outside the prescribed legal process, using force or serious threat of attack on life or limb, shall be sentenced to imprisonment for not more than two years.

(3) Whoever commits the offence under the preceding paragraph on behalf of another shall be punished to the same extent.

(4) The prosecution for the offence under the first paragraph of the present article shall be initiated on a private action while for offences under the second and third paragraphs it shall be initiated upon a complaint.

## Disrupting Religious Ceremonies

### Article 314

Whoever disrupts or prevents a religious ceremony from taking place shall be punished by a fine or sentenced to imprisonment for not more than one year.

## Desecration of Grave

### Article 315

(1) Whoever without authority digs up or demolishes a grave or other place of interment or otherwise desecrates the same shall be sentenced to imprisonment for not more than one year.

(2) If the offence under the preceding paragraph has been committed by two or more persons, or if two or more graves have been desecrated by such an offence, the perpetrator shall be sentenced to imprisonment for not more than three years.

## Abuse of Corpse

### Article 316

Whoever without authority hides, removes, damages or otherwise abuses a corpse or any part thereof or abuses mortal remains shall be sentenced to imprisonment for not more than two years.

### Chapter Thirty

## CRIMINAL OFFENCES AGAINST GENERAL SAFETY OF PEOPLE AND PROPERTY

### Causing Public Danger

#### Article 317

(1) Whoever endangers human life or property of substantial value by means of fire, flood, explosion, poison or poisonous gas, ionising radiation, mechanical force, electricity or other forms of energy, or by other means of causing public danger, or by an act capable of causing public danger, or by the omission of an act he was obliged to perform in order to protect the general safety of people and property, shall be sentenced to imprisonment for not more than three years.

(2) If the offence under the preceding paragraph is committed through negligence the perpetrator shall be punished by a fine or sentenced to imprisonment for not more than one year.

(3) If the offence under the first or second paragraphs of the present article entails grievous bodily harm to one or more persons or a substantial loss of property, the perpetrator shall be sentenced to imprisonment for not more than five years for the offence under the first paragraph, while for the offence under the second paragraph he shall be sentenced to imprisonment for not more than three years.

(4) If the offence under the first or second paragraphs of the present article entails the death of one or more persons, the perpetrator shall be sentenced to imprisonment for not less than one and not more than twelve years for the offence under the first paragraph, while for the offence under the second paragraph he shall be sentenced to imprisonment for not less than one and not more than eight years.

### Causing Danger in Building Activity

#### Article 318

(1) A person responsible for the design and supervision of projects concerning the preparation and execution of building or construction works who, in exercising his responsibilities, fails to comply with regulations or with the generally recognised technical rules, thereby endangering human life or property of substantial value, shall be sentenced to imprisonment for not more than three years.

(2) If the offence under the preceding paragraph is committed through negligence, the perpetrator shall be punished by a fine or sentenced to imprisonment for not more than one year.

(3) If the offence under the first or second paragraphs of the present article entails grievous bodily harm to one or more persons or a substantial loss of property, the perpetrator shall be sentenced to imprisonment for not more than five years for the offence under the first paragraph, while for the offence under the second paragraph he shall be sentenced to imprisonment for not more than three years,

(4) If the offence under the first or second paragraphs of the present article entails the death of one or more persons, the perpetrator shall be sentenced to imprisonment for not less than one and not more than twelve years for the offence under the first paragraph, while for the offence under the second paragraph he shall be sentenced to imprisonment for not less than one and not more than eight years.

### Causing Danger Through Nuclear Materials

#### Article 319

(1) Whoever possesses, uses, deposits, transports or otherwise disposes of nuclear materials contrary to regulations or the technical rules concerning safety measures shall be sentenced to imprisonment for not more than three years.

(2) If the offence under the preceding paragraph is committed through negligence, the perpetrator shall be punished by a fine or sentenced to imprisonment for not more than one year.

(3) Whoever unlawfully acquires nuclear materials and possesses, deposits, uses, transports, conveys them to another or makes them available to another shall be sentenced to imprisonment for not more than five years.

(4) If the offence under the first, second or third paragraphs of the present article entails grievous bodily harm to one or more persons or a substantial loss of property, the perpetrator shall be sentenced to imprisonment for not more than five years for the offence under the first paragraph; for the offence under the second paragraph he shall be sentenced to imprisonment for not more than three years; for the offence under the third paragraph he shall be sentenced to imprisonment for not less than one and not more than eight years.

(5) If the offence under the first, second or third paragraphs of the present article entails the death of one or more persons, the perpetrator shall be sentenced to imprisonment for not less than one and not more than twelve years for the offence under the first paragraph; for the offence under the second paragraph he shall be sentenced to imprisonment for not less than one and not more than eight years; for the offence under the third paragraph he shall be sentenced to imprisonment for not less than three years.

### Damaging or Destroying Public Installations

#### Article 320

(1) Whoever damages, destroys or removes electrical wires, gas pipes, water supply installations, heating installations, pipelines, means of telecommunications, submarine cables sewerage installations, means of environmental protection or other similar public installations, thus causing disturbance to the supply to the population and to industry, shall be sentenced to imprisonment for not more than five years.

(2) If the offence under the preceding paragraph is committed through negligence, the perpetrator shall be punished by a fine or sentenced to imprisonment for not more than one year.

#### Transporting or Carrying of Explosive and Dangerous Materials Against Regulations

##### Article 321

Whoever, in non-compliance with regulations on the transport of explosive and other highly-inflammable materials or other dangerous substances and waste, transports such materials and substances or hands them over for shipment by any means of public transport or carries them himself by using any means of public transport, shall be punished by a fine or sentenced to imprisonment for not more than one year.

#### Abuse of Telecommunication Signals

##### Article 322

Whoever knowingly and unnecessarily transmits an internationally agreed signal denoting a call for help or warning of a dangerous situation, or whoever by transmission of a telecommunication signal deceives the addressee in believing that the situation in fact poses no danger, or whoever otherwise misuses an internationally agreed telecommunication signal, shall be punished by a fine or sentenced to imprisonment for not more than one year.

#### Failure to Avert Danger

##### Article 323

(1) Whoever fails to inform the competent authority or organisation about danger of fire, flood, explosion, traffic accident, ecological catastrophe or any other danger to human life, the natural environment or property of substantial value, or else fails to take measures necessary for averting such dangers, though he could have done it without exposing himself or another person to danger, shall be punished by a fine or sentenced to imprisonment for not more than one year.

(2) Whoever, by use of force, threat or deception, prevents another from taking measures necessary for averting danger to human life the natural environment or property of substantial value, shall be sentenced to imprisonment for not more than two years.

#### Refusal to Co-operate in Averting Public Danger

##### Article 324



Whoever, contrary to an order issued by the competent authority or organisation and without a justified reason, fails to co-operate in averting public danger by removing the consequences thereof shall be punished by a fine or sentenced to imprisonment for not more than six months.

## Chapter Thirty-One

### CRIMINAL OFFENCES AGAINST SAFETY OF PUBLIC TRAFFIC

#### Causing of Traffic Accident Through Negligence

##### Article 325

(1) A person participating in public traffic who, by negligent violation of the regulations on road safety, causes a traffic accident whereby another person is seriously injured, shall be punished by a fine or sentenced to imprisonment for not more than three years.

(2) If the offence under the preceding paragraph entails the death of one or more persons, the perpetrator shall be sentenced to imprisonment for not less than one and not more than eight years.

#### Endangering Special Types of Public Traffic

##### Article 326

(1) Whoever, by negligent violation of safety regulations, causes a bus, railway, shipping or air accident, or does so in the course of cable railway transportation, shall be punished by a fine or sentenced to imprisonment for not more than two years.

(2) If the offence under the preceding paragraph entails serious injury to another, the perpetrator shall be sentenced to imprisonment for not more than five years.

(3) If the offence under the preceding paragraph entails the death of one or more persons, the perpetrator shall be sentenced to imprisonment for not less than one and not more than eight years.

#### Endangering of Public Traffic by Dangerous Act or Means

##### Article 327

(1) Whoever destroys or damages traffic installations, means of communication, traffic signs and signalling devices or safety installations, or whoever transmits false signals or signs, creates obstacles on streets, roads or other traffic areas, or acts in any similar way, thereby endangering human life or property of substantial value, shall be sentenced to imprisonment for not more than three years.

(2) If the offence under the preceding paragraph is committed through negligence, the perpetrator shall be sentenced to imprisonment for not more than one year.

(3) If the offence under the first or the second paragraph of the present article entails serious injury to one or more persons or a substantial loss of property, the perpetrator shall be sentenced to imprisonment for not more than five years for the offence under the first paragraph, while for the offence under the second paragraph he shall be sentenced to imprisonment for not more than three years.

(4) If the offence under the first or second paragraphs of the present article entails the death of one or more persons, the perpetrator shall be sentenced to imprisonment for not less than one and not more than twelve years for the offence under the first paragraph, while for the offence under the second paragraph he shall be sentenced to imprisonment for not less than one and not more than eight years.

#### Failure to Exercise Supervision Over Public Traffic

##### Article 328

(1) A person entrusted with the supervision and maintenance of roads and bridges, means of communication or public traffic, or a person entrusted with directing the traffic who, by breaching his duties, causes danger to human life or property of substantial value, shall be sentenced to imprisonment for not more than three years.

(2) The same sentence shall be imposed on whoever, in the knowledge that the driver is not capable of driving owing to tiredness or any other reason or that the vehicle in question is not technically perfect, issues a transport order and thus endangers human life or property of substantial value.

(3) If the offence under the first or second paragraphs is committed through negligence, the perpetrator shall be sentenced to imprisonment for not more than one year.

(4) If the offence under the first or second paragraphs of the present article entails serious injury to one or more persons or a substantial loss of property, the perpetrator shall be sentenced to, imprisonment for not more than five years for the offence under the first or second paragraphs, while for the offence under the third paragraph he shall be sentenced to imprisonment for not more than three years.

(5) If the offence under the first, second or third paragraphs of the present article entails the death of one or more persons, the perpetrator shall be sentenced to imprisonment for not less than one and not more than twelve years for the offence under the first and second paragraphs, while for the offence under the third paragraph he shall be sentenced to imprisonment for not less than one and not more than eight years.

#### Failure to Render Aid to Person Injured in Traffic Accident

##### Article 329

(1) The driver of a motor vehicle or other means of transport who fails to render aid a to person who has been injured by or owing to such means of transport shall be sentenced to imprisonment for not more than one year.

(2) If the offence under the preceding paragraph entails serious injury or the death of the injured person, the perpetrator shall be sentenced to imprisonment for not less than three months and not more than five years.

### Hijacking

#### Article 330

Whoever, by force or serious threat of force, takes over command of an aircraft or of a sea vessel shall be sentenced to imprisonment for not less one year.

### Placing Air Traffic in Jeopardy

#### Article 331

(1) Whoever endangers the safety of an aircraft by placing or bringing explosive or other similar devices aboard, by damaging or destroying navigational instruments, by causing other damage to the aeroplane, or by giving false information regarding the flight shall be sentenced to imprisonment for not less than one and not more than ten years.

(2) The same sentence shall be imposed on whoever, by use of force or threat of force, coerces the personnel of an airport to discontinue operations concerning the flight schedule, or whoever, by means of explosive or other similar devices, destroys or damages an aircraft or installations designed to secure the safety of air traffic, thus endangering the safety of the airport.

(3) If the offence under the first or second paragraphs of the present article entails the death of one or more persons or the demolition of an aircraft or airport, the perpetrator shall be sentenced to imprisonment for not less than three years.

### Destruction and Removal of Markings Intended for Protection of Air Traffic

#### Article 332

Whoever destroys, damages or removes markings intended to protect the safety of air traffic shall be sentenced to imprisonment for not more than two years.

### Chapter Thirty-Two

## CRIMINAL OFFENCES AGAINST ENVIRONMENT, SPACE AND NATURAL RESOURCES

### Burdening and Destruction of Environment and Space

### Article 333

(1) Whoever, in breach of regulations, causes excessive pollution of the environment, the denigration of the environment or the excessive use and exploitation of natural resources, thereby endangering the life or health of a substantial number of people, or causing, in whole or in part, the danger of the damage to or the destruction of the environment,

shall be punished by imprisonment of up to two years.

(2) If the offence under the preceding paragraph is committed through negligence,

the perpetrator shall be punished by a fine or by an imprisonment of up to one year.

(3) If the offence under the first or the second paragraphs of the present Article has as a consequence the impairment of health of a substantial number of people, the destruction, in whole or in part, of flora or fauna or reservoirs of drinking water or any other damage to the environment resulting in serious consequences, continuous pollution at a critical level or critical damage to environment,

the perpetrator shall be punished by imprisonment of up to three years for the offence under the first paragraph, while for the offence under the second paragraph he shall be punished by imprisonment of up to two years.

(4) If the offence under the first or second paragraphs of the present Article has as a consequence irreparable damage or destruction of the environment or protected natural resources,

the perpetrator shall be punished by imprisonment of up to eight years for the offence under the first paragraph, while for the offence under the second paragraph he shall be punished by imprisonment of up to five years.

### Depreciation of Environment by a Motor Vehicle

#### Article 334

Whoever without adequate permission drives a motor vehicle outside the publicly marked paths, organises a training or a competitive race of motor vehicles in a manner which causes depreciation of environment,

shall be punished by imprisonment of up to three years.

### Bringing of Dangerous Substances into the Country

#### Article 335

(1) Whoever, contrary to regulations, brings radioactive or other dangerous substances or waste into the country,

shall be punished by imprisonment of up to three years.

(2) Whoever, by abuse of his office or authorisations, enables, contrary to regulations, the bringing of the substances or waste from the first paragraph of the present Article into the country,

shall be punished by imprisonment of six months up to five years.

### Unlawful Dumping of Dangerous Substances

#### Article 336

Whoever, contrary to regulations, deposits, stores or disposes of radioactive or other substances or waste hazardous to human health or life or to the environment,

shall be punished by a fine or by imprisonment of up to one year.

### Pollution of Drinking Water

#### Article 337

(1) Whoever pollutes water used by people for drinking water with any noxious agent, thereby causing danger to human life or health,

shall be punished by imprisonment of up to three years.

(2) If the offence under the preceding paragraph is committed through negligence,

the perpetrator shall be punished by a fine or by imprisonment of up to three months.

(3) If the offence under the first or second paragraphs of the present Article has as a consequence serious bodily injury to one or more persons,

the perpetrator shall be sentenced by imprisonment of up to five years for the offence under the first paragraph, while for the offence under the second paragraph he shall be punished by imprisonment of up to three years.

(4) If the offence under the first or second paragraphs of the present Article has as a consequence the death of one or more persons,

the perpetrator shall be punished by imprisonment of one up to twelve years for the offence under the first paragraph, while for the offence under the second paragraph he shall be punished by imprisonment of one up to eight years.

(5) Whoever pollutes water intended for the watering of animals with any noxious agent, thereby causing danger to life and health of animals,

shall be punished by a fine or by imprisonment of up to one year.

(6) If the offence under the fifth paragraph of the present Article has as a consequence the death of animals of substantial value or of a substantial number of animals,

the perpetrator shall be punished by imprisonment of up to three years.

### Tainting of Foodstuffs or Fodder

#### Article 338

(1) Whoever taints foodstuffs with any noxious agent, thereby causing danger to human life or health,

shall be punished by imprisonment of up to three years.

(2) If the offence under the preceding paragraph is committed through negligence,

the perpetrator shall be punished by a fine or by imprisonment of up to three months.

(3) If the offence under the first or second paragraphs of the present Article has as a consequence serious bodily injury to one or more persons,

the perpetrator shall be punished by imprisonment of up to five years for the offence under the first paragraph, while for the offence under the second paragraph he shall be punished by imprisonment of up to three years.

(4) If the offence under the first or second paragraphs of the present Article has as a consequence the death of one or more persons,

the perpetrator shall be punished by imprisonment of one up to twelve years for the offence under the first paragraph, while for the offence under the second paragraph he shall be punished by imprisonment of one up to eight years.

(5) Whoever taints animal fodder or other feed intended for the nutrition of animals with any noxious agent, thereby causing danger to the life or health of animals,

shall be punished by a fine or by imprisonment of up to one year.

(6) If the offence under the fifth paragraph of the present Article has as consequence the death of animals of substantial value or of a substantial number of animals,

the perpetrator shall be punished by imprisonment of up to three years.

### Unlawful Occupation of Real Property

Article 339

(1) Whoever occupies another's land, which is declared in regulations as protected land or area, natural value or a public asset,

shall be punished by a fine or by imprisonment of up to one year.

(2) Whoever occupies another's land with an intention to use it for construction,

shall be punished the same [in accordance with the preceding paragraph of the present Article].

Destruction of Plantations by a Noxious Agent

Article 340

Whoever causes the destruction of another's plants, fruit trees or other plantations by means of a noxious agent, thereby causing substantial damage to such plantations,

shall be punished by a fine or by imprisonment of up to two years.

Destroying of Forests

Article 341

(1) Whoever knowingly and contrary to regulations or orders issued by competent bodies, reduces to a substantial degree or clear fells a forest or otherwise depletes the forest, and where no elements of other criminal offence are constituted [by such conduct],

shall be punished by imprisonment of up to one year.

(2) Whoever commits the offence under the preceding paragraph in a specially protected forest or in a forest of a specific purpose,

shall be punished by imprisonment of up to three years.

Torture of Animals

Article 342

Whoever treats an animal cruelly or causes it unnecessary suffering,

shall be punished by a fine or by imprisonment of up to three months.

Game Poaching

Article 343

(1) Whoever, without permission or otherwise unauthorised, hunts and kills or wounds a wild animal or traps it alive,

shall be punished by a fine or by imprisonment of up to six months.

(2) If the offence under the preceding paragraph is committed against game of substantial value or of importance according to hunting regulations, during the closed season or in a group,

the perpetrator shall be punished by a fine or by imprisonment of up to one year.

(3) Whoever hunts endangered or rarefied species of game, the hunting of which is prohibited, or whoever hunts specific game without having a special license to hunt them, or whoever hunts by a manner or by means by which the games is exterminated en masse, or whoever hunts by the use of a motor vehicle or a spotlight,

shall be punished by a fine or by imprisonment of up to two years.

### Fish Poaching

#### Article 344

Whoever fishes using an explosive, electricity, poison, narcotic agent, thereby causing the death of fish, or fishes in a manner that is harmful to their reproduction,

shall be punished by a fine or by imprisonment of up to one year.

### Transmission of Contagious Diseases in Animals or Plants

#### Transmission of Contagious Diseases in Animals or Plants

#### Article 345

(1) Whoever, during an epizootic of a contagious disease among animals capable of endangering breeding throughout the entire territory of the country, fails to comply with regulations specifying the measures to be taken in order to suppress or prevent diseases,

shall be punished by a fine or by imprisonment of up to one year.

(2) Whoever, during the duration of danger relating to a disease or pest capable of endangering the fauna throughout the entire territory of the country, fails to comply with regulations specifying the measures to be taken in order to suppress or prevent diseases or the pest,

shall be punished the same [in accordance with the preceding paragraph of the present Article].

(3) If the offence under the first or second paragraphs of the present Article has as a consequence the spreading of a contagious disease or pest on a substantial scale,



the perpetrator shall be punished by imprisonment of up to two years.

(4) If the offence under the first, second or third paragraphs of the present Article has been committed through negligence,

the perpetrator shall be punished by a fine or by imprisonment of up to six months.

#### Production of Injurious Medicines for Treatment of Animals

##### Article 346

(1) Whoever prepares or distributes for sale substances which are designated as medicines for the treatment or suppression of contagious diseases in animals and which are dangerous to their life and health and if the death of animals of substantial value or of a substantial number of animals or the spreading of a contagious disease is incurred as a result,

shall be punished by a fine or by imprisonment of up to one year.

(2) Substances under the preceding paragraph shall be confiscated.

#### Unconscientious Veterinary Aid

##### Article 347

A veterinary or any other veterinary worker who, in the performance of veterinary activity and through negligence, acts in a way that is obviously contrary to the rules of veterinary science and of the profession, thereby causing the death of animals of substantial value,

shall be punished by a fine or by imprisonment of up to one year.

### Chapter Thirty Three

#### CRIMINAL OFFENCES AGAINST THE SECURITY OF THE REPUBLIC OF SLOVENIA AND ITS CONSTITUTIONAL ORDER

##### Treason

##### Article 348

Whoever, by force or by threat of force, threatens the existence of the Republic of Slovenia or attempts to alter its constitutional order or to overthrow its principal state bodies shall be sentenced to imprisonment for not less than one and not more than ten years.

##### Attack on Territorial Integrity

##### Article 349

Whoever attempts to detach any part of the territory of the Republic of Slovenia or to attach the same to a foreign country by using or threatening force shall be sentenced to imprisonment for not less than one and not more than ten years.

#### Attack on the State's Independence

##### Article 350

A citizen of the Republic of Slovenia who attempts to bring the Republic of Slovenia into a position of subordination to or dependence on a foreign country shall be sentenced to imprisonment for not less than one and not more than ten years.

#### Encroachment upon Territorial Inviolability

##### Article 351

Whoever enters the territory of the Republic of Slovenia in order to encroach upon its territorial inviolability shall be sentenced to imprisonment for not less than one and not more than ten years.

#### Assassination of the Highest Representatives of the State

##### Article 352

(1) Whoever, with the intention of jeopardising the constitutional order or security of the Republic of Slovenia, murders the President of the Republic of Slovenia, the President of the National Assembly, the President of the National Council, the Prime Minister, the President of the Constitutional Court, or the President of the Supreme Court shall be sentenced to imprisonment for not less than ten years or to twenty years.

(2) Whoever, with the intention of jeopardising the constitutional order or security of the Republic of Slovenia, murders a member of the National Assembly, a member of the State Council, a member of the Government, a judge of the Constitutional Court or a judge of the Supreme Court shall be sentenced to imprisonment for not less than seven years or to fifteen years.

(3) Whoever, with the intention of jeopardising the constitutional order or security of the Republic of Slovenia, murders the investigating or the presiding judge, the state prosecutor or its representative involved in the proceedings against a criminal association shall be sentenced to imprisonment for not less than seven years or to fifteen years.

#### Violence Against the Highest Representatives of the State

##### Article 353

Whoever, with the intention of jeopardising the constitutional order or security of the Republic of Slovenia, kidnaps any of the highest representatives of the state (Article 352 of the present Code),

or commits any other act of violence against him or a member of his family or retinue, or violates his official or residential premises or means of transport, shall be punished to imprisonment for not less than three years.

### Armed Rebellion

#### Article 354

(1) Whoever organises or leads an armed rebellion with the intention of threatening the existence of the Republic of Slovenia, altering its constitutional order, or overthrowing its principal state bodies, shall be sentenced to imprisonment for not less than three years.

(2) Whoever participates in the armed rebellion under the preceding paragraph shall be sentenced to imprisonment for not more than five years.

### Terrorism

#### Article 355

Whoever, with the intention of jeopardising the constitutional order or security of the Republic of Slovenia, causes an explosion or fire, or commits any other act of violence endangering public safety, or threatens the use of nuclear materials or means of mass slaughter, thereby arousing fright and uncertainty among the people, shall be punished to imprisonment for not less than three years.

### Diversion

#### Article 356

Whoever, with the intention of jeopardising the constitutional order or security of the Republic of Slovenia, destroys, burns or otherwise demolishes any commercial building, means of communication or traffic installation, the communication network or any part thereof, public installations for conveyance of water or energy, or any other object relevant to the security or supply of the people or economy, shall be punished to imprisonment for not less than three years.

### Sabotage

#### Article 357

Whoever, in the performance of his work duties, causes substantial damage to the state body or organisation where he is employed or to any other state body or organisation in a malicious, perfidious or similar manner, with the intention of jeopardising the constitutional order or security of the Republic of Slovenia, shall be sentenced to imprisonment for not less than one and not more than ten years.

### Espionage

### Article 358

(1) Whoever serves as an agent for a foreign country or organisation by collecting military, economic or official information or confidential documents, or by informing them of or providing them with access to such information or documents, shall be sentenced to imprisonment for not less than one and not more than eight years.

(2) Whoever, to the detriment of the Republic of Slovenia, establishes or directs an intelligence service for a foreign country or organisation, shall be sentenced to imprisonment for not less than three years.

(3) Whoever joins a foreign intelligence service under the preceding paragraph or supports its operations, shall be sentenced to imprisonment for not less than six months and not more than five years.

### Imparting State Secrets

### Article 359

(1) Whoever, in non-compliance with his duties to protect state secrets, communicates or conveys information or documents designated a state secret to another person or otherwise provides him with access to such information or with the possibility of collecting such information in order to convey the same to an unauthorised person, shall be sentenced to imprisonment for not less than one and not more than eight years.

(2) Whoever communicates to another information or documents which he knows to constitute a state secret and which he has unlawfully procured shall be sentenced to imprisonment for not more than five years.

(3) If the offence under the first paragraph of the present article has been committed through negligence, the perpetrator shall be sentenced to imprisonment for not more than three years.

(4) A state secret shall consist of any document and information which is declared secret by the statute or other regulation or decree issued by the competent authority pursuant to the statute, and which is of such importance that its disclosure has involved or obviously would involve the occurrence of consequences prejudicial to the security of the state or its political or economic interests. A state secret shall also be understood to cover any information and document which is accessible and entrusted only to specially designated persons and which owing to their extreme importance for state security, have to remain secret.

### Incitement to Violent Change of the Constitutional Order

### Article 360

(1) Whoever, with the intention of threatening the existence, constitutional order or security of the Republic of Slovenia, incites or instigates the immediate execution of criminal offences under

Articles 347 to 357 of the present Code, shall be sentenced to imprisonment for not more than five years.

(2) Whoever commits the offence under the preceding paragraph with financial or other support from abroad, shall be sentenced to imprisonment for not less than six months and not more than five years.

(3) Whoever manufactures or reproduces material serving to incite or instigate the execution of criminal offences under the first paragraph of the present article with intention that such material be disseminated by him or by a third person, or whoever keeps a larger quantity of such material with the same intention or disseminates such material, shall be sentenced to imprisonment for not more than three years.

Criminal Association for Purposes of Perpetrating Criminal Offences Against the Constitutional Order and Security of the Republic of Slovenia

Article 361

(1) Whoever establishes an association whose purpose is to perpetrate criminal offences under Articles 347 to 357 of the present Code, shall be sentenced to imprisonment for not Less than six months and not more than five years.

(2) Whoever becomes a member of the association under the preceding paragraph shall be sentenced to imprisonment for not more than three years.

(3) If the perpetrator of the offence under the first or second paragraphs of the present article has prevented the committing of criminal offences covered by the first paragraph or has provided information in time for the offence to be prevented from occurring, he shall be sentenced to imprisonment for not more than one year or his punishment may be remitted.

Punishment for the Gravest Types of Criminal Offences

Article 362

(1) For the offences under Articles 347 to 351 and 353 to 357 of the present Code which have entailed the death of one or more persons, severe violence or great devastation, the perpetrator shall be sentenced to imprisonment for not less than ten years.

(2) If the perpetrator, in committing any of the criminal offences under the preceding paragraph, intentionally takes the lives of one or more persons, he shall be sentenced to imprisonment for not less than ten years or to twenty years.

Chapter Thirty-Four

CRIMINAL OFFENCES AGAINST DEFENCE OF THE STATE

## Evasion of Defence Obligations

### Article 363

- (1) Whoever goes into hiding in order to evade military conscription, military service, military training or any other defence obligation, though he was summoned by a personal or general call-up, shall be punished by a fine or sentenced to imprisonment for not more than one year.
- (2) The same punishment shall be imposed on whoever fails to obey a summons to military service or military training.
- (3) Whoever leaves the country or remains abroad with a view to evading obligations under the first and second paragraphs of the present article shall be sentenced to imprisonment for not more than three years.
- (4) If the perpetrator of the offence under the first, second or third paragraphs of the present article has voluntarily reported to the competent authority, his punishment may be reduced or even remitted.

## Evasion of Defence Obligations by Deception

### Article 364

- (1) Whoever, with the intention of evading military service or any other defence obligation, simulates a disease, uses a forged document or deceives a competent authority in any other way, thereby inducing it to declare him unfit for military service or duty, shall be sentenced to imprisonment for not more than three years.
- (2) The same punishment shall be imposed on whoever, with the intention either of evading services or obligations under the preceding paragraph or of being assigned to a less demanding service or duty, inflicts injury upon himself or otherwise incapacitates himself for military service or allows another person to do so.
- (3) Whoever, with the intention of making another person evade military service or military duties, inflicts bodily harm upon him, with or without his permission, or otherwise incapacitates him for military service, shall be sentenced to imprisonment for not less than six months and not more than five years.

## Use of Force Against Member of the Military on Duty

### Article 365

- (1) Whoever, using force or threatening imminent use of force, prevents a member of the military from performing military duty or in the same manner compels him to perform such duty, shall be sentenced to imprisonment for not more than two years.
- (2) Any attempt to commit such an offence shall be punishable.

(3) If the perpetrator under the first paragraph of the present article, in committing the offence, insults a member of the military, or treats him badly, or inflicts actual bodily harm upon him, or threatens him with the use of arms, he shall be sentenced to imprisonment for not more than three years.

(4) If the perpetrator of the offence under the first paragraph of the present article had been provoked by unlawful or brutal conduct on the part of the member of the military, he shall be punished by a fine or sentenced to imprisonment for not more than six months or his punishment may be remitted.

#### Attack on Member of the Military on Duty

##### Article 366

(1) Whoever attacks or seriously threatens to attack a member of the military on duty, shall be sentenced to imprisonment for not more than two years.

(2) If the perpetrator under the first paragraph of the present article, in committing the offence, insults, a member of the military, or treats him badly, or inflicts actual bodily harm upon him, he shall be sentenced to imprisonment for not more than three years.

(3) Whoever commits the offence under the first paragraph against two or more members of the military shall be punished in accordance with the provision of the second paragraph of the present article.

#### Careless Handling of Means of Defence

##### Article 367

Whoever handles weapons, ammunition, explosives, combat devices or other facilities intended for the defence of the country and entrusted to him in storage, for repair, maintenance or use contrary to the regulations, though he anticipates or should and could anticipate that such means of defence may be lost, destroyed or damaged, and if his conduct entails a substantial loss of property, shall be sentenced to imprisonment for not more than two years.

#### Undermining of Defence Measures

##### Article 368

Whoever destroys defence devices, defence constructions, defence positions, weapons or other means of defence, or renders the same unserviceable, or otherwise hinders or omits the performance of measures for the defence of the country, shall be sentenced to imprisonment for not less than one and not more than ten years.

#### Preventing Combat of Enemy

Article 369

A citizen of the Republic of Slovenia who, during war or armed combat, prevents citizens of the Republic of Slovenia or citizens of its allies from combating the enemy, shall be sentenced to imprisonment for not less than one and not more than ten years.

Service in the Army of the Enemy

Article 370

A citizen of the Republic of Slovenia who, during war or armed combat, serves in the army of the enemy or his other armed formations, or who participates in war against the Republic of Slovenia or its allies, shall be sentenced to imprisonment for not more than eight years.

Recruiting for Foreign Army

Article 371

(1) Whoever recruits citizens of the Republic of Slovenia for service in the army or other armed formations of a foreign country or power, shall be sentenced to imprisonment for not less than three months and not more than five years.

(2) Whoever recruits citizens of the Republic of Slovenia for service in the army or other armed formations of the enemy or for participation in war or armed combat against the Republic of Slovenia or its allies, shall be sentenced to imprisonment for not less than one and not more than ten years.

Assisting the Enemy

Article 372

(1) A citizen of the Republic of Slovenia who during war, aids the enemy in requisition, taking away of food or other goods or implementing of any other measures against the general population, shall be sentenced to imprisonment for not more than five years.

(2) The same sentence shall be imposed on a citizen of the Republic of Slovenia who, during war, collaborates with the enemy in the field of politics or economy.

Chapter Thirty-Five

CRIMINAL OFFENCES AGAINST HUMANITY AND INTERNATIONAL LAW

Genocide

Article 373



(1) Whoever, with the intention of destroying, in whole or in part, a national, ethnic, racial or religious group, gives orders to kill members of the group, to inflict severe bodily injuries upon them, to seriously undermine their bodily or mental health, to forcibly displace the population, to inflict on the group conditions of life calculated to bring about its physical destruction in whole or in part, to impose measures to prevent births within the group, or to forcibly transfer children of the group to some other group, or whoever, with the same intention, commits any of the above acts,

shall be punished by imprisonment of at least ten years or by imprisonment of thirty years.

(2) Whoever commits any of the acts under the previous paragraph against any social or political group,

shall be punished the same.

(3) The same punishment shall be imposed on whoever incites or calls for the direct commission of criminal offences from this Article.

### Crimes Against the Civilian Population

#### Article 374

(1) Whoever in contravention of the rules of international law during wartime, armed conflict or occupation, or when carrying out or supporting the policy of a state or organisation as part of a larger systematic attack, orders or commits the following acts against the civilian population: an attack on the civilian population, a built-up area, individual civilians or persons unable to fight which causes death, grievous bodily harm or serious harm to health; use of the presence of civilian or other protected persons to avert military operations; a random attack that causes injury to civilians; slaughter, torture, inhumane treatment, biological, medical or other scientific experiments, the removal of tissue or organs for transplant, the infliction of great suffering or the violation of physical integrity or health; deportation, displacement, forced removal of citizenship or forced religious conversion; rape, forced prostitution, forced pregnancy, forced sterilisation and other forms of sexual violence that constitute a serious violation of international law; measures of intimidation or terrorism, hostage-taking, collective punishment, unlawful removal to a concentration camp and other unlawful incarceration, and removal of the right to a fair trial; forced service in the armed forces of the aggressor or in the aggressor's intelligence service or administration; forced labour; starvation of the population; the confiscation of property, pillage of property of the population, unlawful and arbitrary destruction or large-scale appropriation of property not justified by military needs, and the imposition of unlawful and disproportionately high contributions and requisitions; devaluation of the value of the domestic currency or the unlawful issuing of currency,

shall be punished by imprisonment of at least ten years or by imprisonment of thirty years.

(2) Whoever in contravention of the rules of international law during wartime, armed conflict or occupation or when carrying out or supporting the policy of a state or organisation as part of a larger systematic attack, orders: an attack on buildings given special protection under international law and on buildings and facilities an attack on which would be particularly dangerous, such as dams, levees and nuclear power plants; a random attack on buildings given special protection under international law, or on defenceless or demilitarised areas; an attack deliberately targeted at staff, buildings, materials, units and vehicles participating in the provision of humanitarian aid or peacekeeping missions in accordance with the Founding Charter of the United Nations, as long as these are, in accordance with international law, entitled to the same protection as civilians or civilian buildings; the infliction of long-term and large-scale damage to the environment which may endanger the health or survival of the population,

shall be punished the same.

(3) Whoever, as an occupier, violates the rules of international law during wartime, armed conflict or occupation by ordering or carrying out the deportation of sections of his civilian population to an occupied area,

shall be punished by imprisonment of at least five years.

#### Crimes against the Wounded and Sick

##### Article 375

(1) Whoever contrary to rules international law in time of war or armed conflict, or when carrying out or supporting the policy of a state or organisation as part of a larger systematic attack orders or commits against the wounded, the sick, and the shipwrecked, or against nursing and clerical staff the following acts: slaughter, torture, inhuman treatment, biological, medical and other scientific experiments, removal of tissue or organs for transplants, infliction of great suffering, impairment of physical integrity or health, or the unlawful and arbitrary large-scale destruction and appropriation of sanitary products, sanitary transport facilities and supplies to sanitary institutions or units which is not justified by military needs,

shall be punished by imprisonment of at least ten years or by imprisonment of thirty years.

(2) Whoever violates the rules of international law in time of war, armed conflict or occupation by ordering or committing a attack deliberately directed on buildings, medical units or staff that are using markings of recognition recognised by the Geneva Conventions, pursuant to international law,

shall be punished the same.

#### War Crimes Against Prisoners of War

##### Article 376

Whoever, in violation of international law, orders or commits against prisoners of war the following acts: slaughter, torture, inhuman treatment, biological, medical or other scientific experiments, removal of tissue or organs for transplants, infliction of great suffering, impairment of physical integrity or health, coercion into service in the aggressor's armed forces, or deprivation of the right to correct and impartial trial,

shall be punished by imprisonment of at least ten years or to thirty years.

#### War Crimes of Use of Unlawful Weapons

##### Article 377

(1) Whoever orders the use of weapons or practices of warfare prohibited under international law in time of war and armed conflict, or whoever makes use of such weapons and practices,

shall be punished by imprisonment of at least ten years or to thirty years.

(2) The same punishment shall be imposed on whoever orders, in time of war or armed conflict and in violation of international law, that there be no survivors among the aggressor's soldiers, or on whoever wages war against the aggressor on this basis.

#### Conscripting Persons under 18 years of Age

##### Article 378

Whoever, during wartime, armed conflict or occupation or when carrying out or supporting the policy of a state or organisation as part of a larger systematic attack, orders or carries out the conscription of persons under 18 years of age into national or other armed forces and their exploitation for active participation in hostilities,

shall be punished by imprisonment of at least ten years.

#### Unlawful Slaughtering and Wounding of the Enemy

##### Article 379

(1) Whoever, in time of war or armed conflict and in violation of international law, kills or wounds an enemy who has laid down arms or surrendered unconditionally or who is defenceless,

shall be punished by imprisonment of one year.

(2) If the killing under the previous paragraph is executed in an atrocious or perfidious manner, out of greed or other vile motives, or if several people are killed,

the perpetrator shall be punished by imprisonment of at least ten years or to thirty years.

#### Unlawful Plundering on the Battlefield

Article 380

(1) Whoever orders the plundering of the belongings of casualties on the battlefield, or whoever plunders them himself,

shall be punished by imprisonment of one up to five years.

(2) If the criminal offence under the preceding paragraph is committed in an atrocious manner, the perpetrator shall be punished by imprisonment of one up to ten years.

Infringement of Parliamentary Rights

Article 381

Whoever, in time of war or armed conflict and in violation of international law, insults a parliamentarian or his retinue, maltreats or detains him, prevent his return or otherwise infringes upon his inviolability,

shall be punished by imprisonment of six months up to five years.

Maltreatment of the Sick and Wounded and of Prisoners of War

Article 382

Whoever, in violation of international law, maltreats the sick and wounded or prisoners of war, or prevents them asserting rights conferred on them under international law,

shall be punished by imprisonment of six months up to five years.

Unjustified Postponement of Repatriation of Prisoners of War

Article 383

Whoever, at the end of war or armed conflict and in violation of international law, orders the postponement of the repatriation of prisoners of war or civilians, or postpones it himself,

shall be punished by imprisonment of six months up to five years.

Destruction of Cultural and Historical Monuments and Natural Sites

Article 384

(1) Whoever, in time of war or armed conflict and in violation of the rules of international law, destroys cultural or historical monuments and buildings, institutions designed for scientific, cultural, educational or humanitarian purposes, natural sites or other protected natural resources,

shall be punished by imprisonment of one up to ten years.

(2) If the criminal offence under the preceding paragraph has resulted in the destruction of an entity specially protected by international law as a site of national, cultural, spiritual or natural heritage the perpetrator,

shall be punished by imprisonment of at least three years.

#### Warmongering

##### Article 385

Whoever warmongers or incites others to do so,

shall be punished by imprisonment of one up to ten years.

#### Abuse of International Symbols

##### Article 386

(1) Whoever abuses or carries without authorisation the flag or emblem of the United Nations Organisation, the emblems or flag of the Red Cross, or corresponding symbols another internationally recognised symbols used for the protection of certain buildings from military operations,

shall be punished by imprisonment up to three years.

(2) Whoever commits a criminal offence specified in the previous paragraph in the theatre of war,

shall be punished by imprisonment of six months up to five years.

#### Placing in a Slavery Condition

##### Article 387

(1) Whoever, in violation of the rules of the international law, places another person into slavery or a similar condition, or keeps another person in such a condition, buys, sells or delivers another person to a third party, or brokers the buying, selling or delivery of such person, or induces another person to sell his freedom or the freedom of the person he supports or cares after,

shall be punished by imprisonment of one up to ten years.

(2) Whoever transports persons held in the condition of slavery or in similar condition from one state to another,

shall be punished by imprisonment of six months up to five years.

(3) Whoever commits the offence referred to in the first or the second paragraphs of this Article against a minor,

shall be punished by imprisonment of at least three years.

### Trafficking in Persons

#### Article 387.a

(1) Whoever purchases another person, takes possession of it, accommodates it, transports it, sells it, delivers it or disposes with it in any other way, or acts as a broker in such operations, for the purpose of prostitution or other forms of sexual exploitation, forced labour, enslavement, servitude or trafficking in organs, human tissues or blood,

shall be punished by imprisonment of one up to ten years.

(2) If an offence from the preceding paragraph was committed against a minor or with force, threat, deception, kidnapping or abuse of a subordinate or dependent position, or with intention of forcing towards pregnancy or artificial insemination,

the perpetrator shall be punished by imprisonment of at least three years.

(3) The same punishment from the previous paragraph shall be imposed on whoever that commits an offence from the first or second paragraphs of this Article as a member of a criminal association for the commission of such offences, or if a large property benefit was gained through this offence.

### International Terrorism

#### Article 388

(1) Whoever, with the intent of inflicting damage on a foreign country or an international organisation, kidnaps a person or commits some other acts of violence, or accuses an explosion or a fire, or endangers human life or property of substantial value by acts or means capable of causing danger to the public,

shall be punished by imprisonment of one up to ten years.

(2) Whoever, with the intention of compelling a legal person, international organisation or state to perform or to omit certain act, threatens to endanger or harm human life or property of substantial value by the use of nuclear force or other means of mass extermination,

shall be punished by imprisonment of at least one year.

(3) If a criminal offence under the first and the second paragraphs of the present article entails the death of one or more persons,

the perpetrator shall be punished by imprisonment of at least five years.

(4) If the perpetrator, in the committing of a criminal offence under the first or the second paragraphs of the present article, deliberately takes the lives of one or more persons,

he shall be punished by imprisonment of at least ten years or to thirty years.

### Financing of Terrorist Acts

#### Article 388.a

(1) Whoever provides or collects money or property with the intention to partly or wholly use it for the commission of the criminal offences from Articles 144, 330, 331, 352, 353, 354, 355, 360, 388, 389 or 390 of this Code, or any other violent act whose objective is to destroy the constitutional order of the Republic of Slovenia, cause serious disruption to public life or the economy, cause death or serious physical injury to persons not actively involved in armed conflict, to intimidate people or force the state or an international organisation to carry out an act or not to carry out an act,

shall be punished by imprisonment of one up to ten years.

(2) Whoever commits an offence from the preceding paragraph shall be subject punished the same even if the money or property provided or collected was not used for commission of criminal offences specified in the preceding paragraph.

(3) If an offence from the preceding paragraphs was committed within a criminal association,

the perpetrator shall be punished by imprisonment of at least three years.

(4) Money and property from the preceding paragraphs shall be seized.

### Endangering Persons under International Protection

#### Article 389

(1) Whoever endangers the safety of a person under international protection by seriously threatening to attack him, his official or residential premises or his means of transport,

shall be punished by imprisonment of one up to ten years.

(2) Whoever kidnaps a person under international protection or commits any other act of violence against him, or attacks his official or residential premises or his means of transport,

shall be punished by imprisonment of at least one year.

(3) If the offence under the first or second paragraphs of the present Article entails the death of one or more persons,

the perpetrator shall be punished by imprisonment of at least five years.

(4) If the perpetrator, in the committing of a criminal offence under the first and second paragraphs of the present article, deliberately takes the lives of one or more persons,

he shall be punished by imprisonment of at least ten years or to thirty years.

### Taking of Hostages

#### Article 390

(1) Whoever kidnaps a person and threatens to kill or harm him or take him hostage with the intention of forcing a state or an international organisation to perform or omit to perform a certain act, which constitutes an expressed or implied condition for the release of the hostage,

shall be punished by imprisonment of at least one year.

(2) If the offence under the preceding paragraph entails the death of one or more persons,

the perpetrator shall be punished by imprisonment of at least five years.

(3) If the perpetrator, in the committing of the criminal offence under the first paragraph of the present article, deliberately takes the lives of one or more persons,

he shall be punished by imprisonment of at least ten years or up to thirty years.

### Piracy

#### Article 391

(1) The member of a crew or the passenger of a ship or aircraft, except for a warship or military aircraft or a public ship or aircraft, who, in violation of international law and with the intention of gaining a property or non-property benefit for himself or another person or with the intent of causing loss to the property of another person, commits an unlawful act of violence against another ship or aircraft and against the persons and goods they are carrying, in the open sea or on territory not under the jurisdiction of anyone country,

shall be punished by imprisonment of one up to ten years.



(2) The piracy under the previous paragraph also refers to instances where the criminal offence is committed by a member of the crew of a warship or a public ship or aircraft who has mutinied and seized control of the ship or aircraft.

## Chapter Thirty-Six

### TRANSITIONAL AND FINAL PROVISIONS

#### Article 392

The provisions of the Criminal Act of the Republic of Slovenia (Official Gazette of the SRS, Nos. 12/77, 3/78, 19/84, 47/87, 33/89 and 5/90) referring to the following criminal offences<sup>9</sup>: Mismanagement in Economic Activity (Article 127); Causing of Bankruptcy (Article 128); Careless Handling of the Entrusted Social Property<sup>10</sup> (Article 129); Conclusion of Harmful Contract (Article 130); Misuse of Authorisations (Article 132); and Profligacy to the Detriment of Social Property (Article 139), as well the provisions of the third paragraph of Article 45 of the same Act shall constitute constitutive parts of the present Criminal Code.

Provisions from the preceding paragraph shall apply in cases where a criminal offence is committed in the management of social assets or to the detriment of social property or capital.

#### Article 393

Provisions applicable until the enforcement of the present Code shall apply to the review of legality on the basis of extraordinary legal remedies filed prior to the enforcement of the present Code, if not otherwise provided by the statute.

#### Article 394

(1) A penal sanction imposed by a judgment passed prior to the enforcement of the present Code shall not be implemented if the offence under the judgment does not constitute a criminal offence under the present Code or if such type of criminal offence is not prescribed therein.

(2) In the event of a safety measure being imposed by the judgment passed prior to the enforcement of the present Code, it shall be implemented according to the following rules:

- compulsory psychiatric treatment and custody in a health institution may be applied for not more than ten years;

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<sup>9</sup> See Appendix A to this Code.

<sup>10</sup> The official title of this criminal offence since 1989 (Act on Supplementing and Amending the Criminal Act of the Socialist Republic of Slovenia, Official Gazette of the SRS, No. 33/89) is "Careless Handling of the Entrusted Objects". The "Legislator" has in 1994 in this provision mistakenly noted as its title the old title from 1977 (Careless Handling of the Entrusted Social Property).

- the revoking of a driving license shall be substituted by the revoking of a driving license for a term not exceeding one year;
- prohibition from exercising occupation may be applied for not more than five years;
- permanent banishment of a foreign citizen from the country shall be substituted by banishment of a foreign citizen from the country for a term of ten years.

#### Article 395

On the day the present Code enters into force, the Criminal Act of the Republic of Slovenia (Official Gazette of the SRS, Nos. 12/77, 3/78, 19/84, 47/87, 33/89 and 5/90) as well as Article 16, Article 17, paragraph 1 and Article 18 of the Parliamentary Investigation Act (Official Gazette of the Republic of Slovenia, No. 63/93) shall cease to be valid.

On the day the present Code enters into force, the Criminal Act of the SFRY (Official Gazette of the SFRY, Nos. 44/76, 34/84, 74/87, 57/89, 3/90 and 38/90) shall cease to be applied as well as other provisions of federal laws providing for criminal offences which were in force in the Republic of Slovenia at the time of the enactment of the Constitutional Act for the Implementation of the Basic Constitutional Charter on the Self-dependence<sup>11</sup> and Independence of the Republic of Slovenia (Official Gazette of the Republic of Slovenia, No. 1/91-I<sup>12</sup>).

#### Article 396

The present Code shall enter into force on 1 January 1995.

## APPENDIX A

### CRIMINAL ACT OF THE REPUBLIC OF SLOVENIA<sup>13</sup>

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<sup>11</sup> In Slovene "self-dependent" is: "samostojen". A verbatim translation would be: "standing on its own". Self-dependent means less than independent and more than autonomy. A similar term in German language is "*Selbständigkeit*".

<sup>12</sup> Correction published in: Official Gazette of the RS, No. 19/91-I.

<sup>13</sup> Published in: Official Gazette of the SRS, Nos. 12/77, 3/78, 19/84, 47/87, 33/89 and 5/90. It is still applied in accordance with Article 395 of the Criminal Code of the Republic of Slovenia. The title of this Act in Slovene language is: "Kazenski zakon Republike Slovenije" and its semi-official acronym is "KZ RS-77". Its original title from 1977 till 1990 was "Criminal Act of the Socialist Republic of Slovenia". Its title in English could also be translated as "Penal Act of the Republic of Slovenia" or "Penal Law of the Republic of Slovenia".

## Mismanagement in Economic Activity

### Article 127

The responsible person of an organisation of associated labour or any other social legal person that acts manifestly unscrupulously in such a manner in his work:

- 1) That knowingly violates regulations of socio-political communities or other state bodies or self-managing general acts or decisions of management bodies that relate to disposal, use and managing of social assets, or
- 2) With false representation or concealment of facts knowingly represents in a deceitful manner the state and the circulation of assets and business successes of organisations and therefore brings into error management bodies in their decision-making in matters of management, or
- 3) Executes decisions of management bodies for which he knows that are contrary to the statute, or
- 4) Otherwise manifestly neglects his duties of managing the social property or of directing or supervising production or any other business working process, even if he anticipates or should and could have anticipated that because of this a property damage for the organisation may arise and this damage actually arises and it exceeds five thousand tolar, shall be punished with imprisonment up to five years.

## Causing of Bankruptcy

### Article 128

(1) A responsible person within the organisation of associated labour, that knows of the organization's insolvency, but enables that the organisation unreasonably expends assets or disposes with them at gross undervalue, by running into excessive debt, by assuming disproportionate obligations, by thoughtlessly concluding or renewing contracts with insolvent persons, by failing to enforce claims in a timely manner and by that causes the bankruptcy of the organisation of associated labour, shall be punished with imprisonment of six months up to five years.

(2) If the offence under the first paragraph of this Article has been committed by negligence, the perpetrator shall be punished with imprisonment of three months up to three years.

## Careless Handling of the Entrusted Objects

### Article 129

Whoever manifestly unscrupulously handles objects that are entrusted to him in relation to his work within the organisation of associated labour or other social legal person, even if he anticipates or should and could have anticipated that because of this objects can be lost, destroyed or damaged, and a damage arises that exceeds five thousand tolar, and no elements of any other criminal offence are constituted, shall be punished with imprisonment of up to five years.

## Conclusion of Harmful Contract

### Article 130

(1) Whoever as an agent or a representative of an organisation of associated labour or other social legal person, concludes a contract that he knows to be harmful for the organisation or legal person, or concludes a contract by overstepping authorisations and thereby causes property damage to the organisation or legal person, shall be punished with imprisonment of six months up to five years.

(2) When the perpetrator of the offence provided for in paragraph 1 of this Article knowingly caused a property damage exceeding fifty thousand tolar to the organisation of associated labour or other social legal person, he shall be punished by imprisonment of at least one year.

## Misuse of Authorisations

### Article 132

(1) A responsible person within the organisation of associated labour or any other social legal person, that with the intention, to acquire unlawful property benefit for his organisation, for other organisation of associated labour or for other social person, gravely misuses authorisations in such a manner, that:

- 1) creates or holds prohibited funds in the country or abroad for this organisation or other social legal person, or
- 2) uses social assets that he disposes of, contrary to their intention, or
- 3) puts the organisation into favourable position in acquiring assets or other advantages, that according to valid regulations cannot be accorded to the organisation, or
- 4) during the execution of obligations towards the social community does not give to the social community assets that belong to it by the regulations, or
- 5) in a similar manner gravely misuses authorisations regarding the disposal, management or use of social assets,

shall be punished with imprisonment of six months up to five years.

(2) In particularly grave cases of the offences from paragraph 1 of this Article, the perpetrator shall be punished with imprisonment of one up to ten years.

## Profligacy to the Detriment of Social Property

### Article 139

(1) Whoever to the detriment of social property gives a gift, commission or reward or in some other manner disposes social property to the benefit of some other person in the value, that is manifestly disproportionate to the invested work or does not result from work at all, and no elements of any other criminal offence are constituted,

shall be punished with imprisonment of up to three years.

(2) Whoever in cases provided for in first paragraph of this Article accepts money or other property benefit, and no elements of any other criminal offence are constituted, shall be punished the same.

### The Meaning of Terms in this Act

#### Article 45, paragraph 3

(3) A responsible person in the present Act may stand for:

a) A person within the organisation of associated labour or any other social legal person who is by virtue of his function or under the special authorisation in the organisation or in the social legal person entrusted with a certain sphere of business that is related to the implementation of the statute or regulations issued on the basis of statute or of social compact<sup>14</sup> or self-managing agreement or a self-managing general act of an organisation or social legal person, in managing social assets, or to the directing or supervising production or any other business process.

b) An official person as provided for in paragraph 1 of this Article, when the acts in question have a responsible person designated as an perpetrator, but are not defined in by the Chapter on Criminal Offences Against Official Duty and Public Authorisations, or as criminal offences of an official person in another Chapter of the present Act.

## APPENDIX B

### **ACT ON CONCLUSION OF THE PROPERTY TRANSFORMATION AND PRIVATISATION OF LEGAL PERSONS IN THE OWNERSHIP OF THE SLOVENE DEVELOPMENT COMPANY<sup>15</sup>**

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<sup>15</sup> Published in: Official Gazette of the RS, Nos. 30/98, 67/98, 72/98 - Decision of the Constitutional Court, 12/99, 16/99, 50/99, 6/2000 - Ruling of the Constitutional Court, 12/2001 - Decision of the Constitutional Court, 79/2001, 80/2004. The title of this Act in Slovene language is: "Zakon o zaključku lastninjenja in privatizaciji pravnih oseb v lasti Slovenske razvojne družbe" and its official acronym is "ZZLPPO".

## Article 6

### (Establishing of Damage to the Social Property)

(1) For social capital, which on the day of entering into force of this Act passes over into ownership and management of the Slovene Development Company and is transformed under this Act, shall stand also the property of natural and legal persons at home<sup>16</sup> and abroad together with its increases from the operations, that originates from the operations of former social enterprises, or other legal persons registered in the Republic of Slovenia, that are in the process of ownership transformation or have been transformed under ZLPP or under special statute, if this property was not taken into consideration in the final balance on the status as of 1. 1. 1993 in accordance with the decree on methodology for composing the final balance of status (Official Gazette of the RS, Nos. 24/93, 62/93, 72/93, 19/94, 32/94 and 45/94).

(2) Natural and legal persons from the previous paragraph are under obligation to report all required data to the Slovene Development Company within three months after this Act enters into force, so that the Slovene Development Company can enter this property into records and transfer it into its possession, management and disposal.

## Article 60

### (criminal offence)

(1) Whoever with the intent to acquire to himself or any other person unlawful property benefit of large value<sup>17</sup>, does not act in accordance with Article 6, paragraph 2 of this Act, shall be punished with imprisonment of six months up to three years.

(2) When an individual acts in accordance with Article 6, paragraph 2 of this Act, he shall not be punished for prior criminal offences committed in connection with the property that shall be discovered in such a manner.

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<sup>16</sup> A verbatim translation, it means: "in the Republic of Slovenia".

<sup>17</sup> See Article 126, paragraph 13, subparagraph 3 of the Criminal Code for a definition of "large property benefit".

also applies to them. While the Government Translation Service prepared the original translation, Ministry of Justice of the Republic of Slovenia performed the substantially corrected translation, terminology decisions and annotations. This translation may not be published in any way without the prior permission of the Ministry of Justice of the Republic of Slovenia, but may be used for the information purposes only.