

## PREFACE

The Swedish Penal Code was adopted in 1962 and entered into force on 1 January 1965. It contains provisions on most of the acts that constitute crimes in Sweden. The provisions on other crimes are to be found in special legislation. It also contains general provisions on all crimes, the sanctions for crimes and the applicability of Swedish law.

The first translation of the Penal Code into English dates from 1972. Since then, several further translations have been made – the most recent in 1996 – to take account of legislative amendments. The present translation, made by Norman Bishop, is based on a comprehensive review of earlier translations and takes account of amendments to the Penal Code up to 1 May 1999.

References to the laws adopting the amendments are given in parentheses and show the reference number of the law in question. However, laws regulating transitional arrangements or dates of entry into force have not been included.

At present only certain parts of the Code are written using gender neutral terminology. Nevertheless, male gender terminology in other parts of the Code is to be understood as including the female gender. The intention is ultimately to extend gender neutral terminology to the entire text.

The Ministry of Justice publishes the translation as a service to interested persons but takes no legal responsibility for the translation or for any consequences arising from its use.

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## **PART ONE**

### **GENERAL PROVISIONS**

#### **Chapter 1**

#### **On Crimes and Sanctions for Crime**

##### *Section 1*

A crime is an act defined in this Code or in another law or statutory instrument for which a punishment as stated below is provided. (Law 1994:458)

##### *Section 2*

Unless otherwise stated, an act shall be regarded as a crime only if it is committed intentionally.

If the act has been committed during self-induced intoxication or if the perpetrator has in some other way himself brought about the temporary loss of the use of his senses, this shall not cause the act to be considered non-criminal. (Law 1994:458)

##### *Section 3*

In this Code a sanction for a crime means the punishments of fines and imprisonment, and conditional sentence, probation and committal for special care. (Law 1988:942)

*Section 4*

The use of punishments is regulated by the provisions on the particular crimes and any further special provisions. Other sanctions may be imposed in accordance with the provisions concerning their use, even if they are not mentioned in the provisions concerning particular crimes. (Law 1988:942)

*Section 5*

Imprisonment is to be considered a more severe punishment than a fine.

Provisions on imprisonment in relation to conditional sentence and probation are to be found in Chapter 30, Section 1. (Law 1988:942)

*Section 6*

No sanction shall be imposed upon a person for a crime committed before attaining the age of fifteen. (Law 1988:942)

*Section 7*

Repealed (Law 1988:942)

*Section 8*

Apart from a sanction, a crime may, in accordance with what is provided, result in forfeiture of property, corporate fines or some other special consequence defined by law and may also entail liability for the payment of damages. (Law 1986:118)

## Chapter 2

### On the Applicability of Swedish Law

#### *Section 1*

Crimes committed in this Realm shall be adjudged in accordance with Swedish law and by a Swedish court. The same applies when it is uncertain where the crime was committed but grounds exist for assuming that it was committed within the Realm. (Law 1972:812)

#### *Section 2*

Crimes committed outside the Realm shall be adjudged according to Swedish law and by a Swedish court where the crime has been committed:

1. by a Swedish citizen or an alien domiciled in Sweden,
2. by an alien not domiciled in Sweden who, after having committed the crime, has become a Swedish citizen or has acquired domicile in the Realm or who is a Danish, Finnish, Icelandic, or Norwegian citizen and is present in the Realm, or
3. by any other alien, who is present in the Realm, and the crime under Swedish Law can result in imprisonment for more than six months.

The first, paragraph shall not apply if the act is not subject to criminal responsibility under the law of the place where it was committed or if it was committed within an area not belonging to any state and, under Swedish law, the punishment for the act cannot be more severe than a fine.

In cases mentioned in this Section, a sanction may not be imposed which is more severe than the severest punishment provided for the crime under the law in the place where it was committed. (Law 1972:812)

### *Section 3*

Even in cases other than those listed in Section 2, crimes committed outside the Realm shall be adjudged according to Swedish law and by a Swedish court:

1. if the crime was committed on board a Swedish vessel or aircraft or was committed in the course of duty by the officer in charge or a member of its crew,

2. if the crime was committed by a member of the armed forces in an area in which a detachment of the armed forces was present, or if it was committed by some other person in such an area and the detachment was present for a purpose other than an exercise,

3. if the crime was committed in the course of duty outside the Realm by a person employed in a foreign contingent of the Swedish armed forces,

4. if the crime committed was a crime against the Swedish nation, a Swedish municipal authority or other assembly, or against a Swedish public institution,

5. if the crime was committed in an area not belonging to any state and was directed against a Swedish citizen, a Swedish association or private institution, or against an alien domiciled in Sweden,

6. if the crime is hijacking, maritime or aircraft sabotage, airport sabotage, an attempt to commit such crimes, a crime against international law, unlawful dealings with chemical weapons, unlawful dealings with mines or false or careless statement before an international court, or

7. if the least severe punishment prescribed for the crime in Swedish law is imprisonment for four years or more. (Law 1998:1703)

### *Section 3 a*

Besides the cases described in Sections 1-3, crimes shall be adjudged according to Swedish law and by a Swedish court in accordance with the provisions of the Act on International



Collaboration concerning Proceedings in Criminal Matters (1975:19). (Law 1976:20)

#### *Section 4*

A crime is deemed to have been committed where the criminal act was perpetrated and also where the crime was completed or, in the case of an attempt, where the intended crime would have been completed.

#### *Section 5*

Prosecution for a crime committed within the Realm on a foreign vessel or aircraft by an alien, who was the officer in charge or member of its crew or otherwise travelled in it, against another alien or a foreign interest shall not be instituted without the authority of the Government or a person designated by the Government.

Prosecution for a crime committed outside the Realm may be instituted only following the authorisation referred to in the first paragraph. However, prosecution may be instituted without such an order if the crime consists of a false or careless statement before an international court or if the crime was committed:

1. on a Swedish vessel or aircraft or by the officer in charge or some member of its crew in the course of duty,
2. by a member of the armed forces in an area in which a detachment of the armed forces was present,
3. in the course of duty outside the Realm by a person employed by a foreign contingent of the Swedish armed forces,
4. in Denmark, Finland, Iceland or Norway or on a vessel or aircraft in regular commerce between places situated in Sweden or one of the said states, or
5. by a Swedish, Danish, Finnish, Icelandic or Norwegian citizen against a Swedish interest. (Law 1993:350)

*Section 5 a*

If the question of responsibility for an act has been determined by a judgement which has entered into legal force pronounced in a foreign state where the act was committed, or by a foreign state in which the European Convention of 28 May 1970 on the International Validity of Criminal Judgements or the European Convention of 15 May 1972 on the Transfer of Proceedings in Criminal Matters was in force, the accused may not be prosecuted for the same act in this Realm:

1. if he has been acquitted,
2. if he has been declared guilty of the crime without a sanction being imposed,
3. if the sanction imposed has been enforced in its entirety or enforcement is in process,
4. if the sanction imposed has lapsed under the law of the foreign state.

The first, paragraph shall not apply to a crime under Section 1 or Section 3, points 4, 6 and 7, unless legal proceedings in the foreign state were instituted at the request of a Swedish authority.

If the question of responsibility for an act has been determined by a judgement pronounced by a foreign state and no impediment to legal proceedings exists by reason of what has been previously stated in this Section, the act may be prosecuted in the Realm only by order of the Government or a person authorised by the Government. (Law 1987:761)

*Section 6*

If a person is sentenced in the Realm for an act for which he has been subjected to a sanction outside the Realm, the sanction shall be determined with due consideration for what he has undergone outside the Realm. If he should be sentenced to a fine or imprisonment and he has been sentenced to a sanction of deprivation of liberty outside the Realm, what he has undergone therewith shall be taken fully into consideration when determining the sanction.

In cases referred to in the first, paragraph a less severe punishment than that provided for the act may be imposed or a sanction completely waived. (Law 1972:812)

#### *Section 7*

In addition to the provisions of this Chapter on the applicability of Swedish law and the jurisdiction of Swedish courts, limitations resulting from generally recognised fundamental principles of public international law or from special provisions in agreements with foreign powers, shall be observed.

#### *Section 7a*

If an alien has committed a crime in the exercise of an office or duty comprising a general position held on behalf of another state or international organisation, a prosecution for the crime may only be instituted on order of the Government. The foregoing does not apply if, by means of misleading information, disguise or other means, the perpetrator has attempted to conceal the capacity in which he acted. (Law 1985:518)

#### *Section 7b*

If, on the occasion of a visit to Sweden of a foreign power's military forces within the framework of international co-operation, a crime is committed by personnel of the foreign power belonging to its forces, a prosecution for the crime may only be instituted on order of the Government. (Law 1996:401)

#### *Section 8*

Special provisions apply to extradition for crimes.

Conditions stipulated in connection with extradition from a foreign state to Sweden shall be complied with in the Realm.

## PART TWO

### ON CRIMES

#### Chapter 3

##### On Crimes against Life and Health

###### *Section 1*

A person who takes the life of another shall be sentenced for *murder* to imprisonment for ten years or for life.

###### *Section 2*

If, in view of the circumstances that led to the act or for other reasons, the crime referred to in Section 1 is considered to be less serious, imprisonment for *manslaughter* shall be imposed for at least six and at most ten years.

###### *Section 3*

A woman who kills her child at birth or at a time, when, owing to her confinement, she is in a disturbed mental state or in grave distress, shall be sentenced for *infanticide* to imprisonment for at most six years.

###### *Section 4*

Repealed (Law 1974:596)

### *Section 5*

A person who inflicts bodily injury, illness or pain upon another or renders him or her powerless or in a similar helpless state, shall be sentenced for *assault* to imprisonment for at most two years or, if the crime is petty, to a fine or imprisonment for at most six months. (Law 1998:393)

### *Section 6*

If the crime referred to in Section 5 is considered gross, the sentence for *gross assault* shall be imprisonment for at least one and at most ten years.

In assessing if the crime is gross special consideration shall be given to whether the act constituted a mortal danger or whether the offender inflicted grievous bodily harm or severe illness or otherwise displayed particular ruthlessness or brutality. (Law 1988:2)

### *Section 7*

A person who through carelessness causes the death of another shall be sentenced for *causing another's death* to imprisonment for at most two years or, if the crime is petty, to a fine.

If the crime is gross, imprisonment shall be imposed for at least six months and at most six years. If the act was committed by driving a motor vehicle, special consideration shall be given, in assessing whether the crime is gross, to whether the sentenced person was under the influence of alcohol or other substance. (Law 1993:1462)

### *Section 8*

A person who through carelessness causes another to suffer bodily injury or illness not of a petty nature, shall be sentenced for *causing bodily injury or illness* to a fine or imprisonment for at most six months.

If the crime is gross, imprisonment for at most four years shall be imposed. If the act was committed by driving a motor vehicle, special consideration shall be given, in assessing whether the crime is gross, to whether the sentenced person was under the influence of alcohol or other substance. (Law 1993:1462)

#### *Section 9*

A person who through gross carelessness exposes another to mortal danger or danger of severe bodily injury or serious illness, shall be sentenced for *creating danger to another* to a fine or imprisonment for at most two years.

#### *Section 10*

Where a crime referred to in Sections 7 - 9 has been committed by a person with intent or by carelessly neglecting his duty under the Work Environment Act (1977:1160) to prevent sickness or accidents, the punishment shall be for an *environmental offence* and as provided for in the said provisions. (Law 1991:679)

#### *Section 11*

Sentences concerning liability for attempt or preparation to commit murder, manslaughter, infanticide or an assault not of a petty nature, as well as conspiracy to commit murder, manslaughter or gross assault or failure to reveal such a crime, shall be imposed in accordance with the provisions of Chapter 23. (Law 1991:679)

#### *Section 12*

Causing bodily injury or illness shall, if the crime is not of serious nature, only be prosecuted by a prosecutor if the injured party reports the crime for prosecution and prosecution is called for in the public interest. (Law 1991:679)

## Chapter 4

### On Crimes against Liberty and Peace

#### *Section 1*

A person who seizes and carries off or confines a child or some other person with intent to injure him or her in body or health or to force him or her into service, or to practise extortion, shall be sentenced for *kidnapping* to imprisonment for a fixed period of at least four and at most ten years, or for life.

If the crime is of a less serious nature, imprisonment for at most six years shall be imposed. (Law 1998:393)

#### *Section 2*

A person who, in cases other than those stated in Section 1, kidnaps or confines someone or in some other way deprives him or her of liberty, shall be sentenced for *unlawful deprivation of liberty* to imprisonment for at least one and at most ten years.

If the crime is of a less serious nature, a fine or imprisonment for at most two years shall be imposed. (Law 1998:393)

#### *Section 3*

A person who otherwise than as stated in Section 1 or 2, by unlawful coercion or deceit, causes the entry of someone into military or work service or other similar condition of restraint or induces someone to go or remain in a place abroad where he or she may be in danger of being exposed to persecution or exploited for casual sexual relations or otherwise fall into distress, shall be sentenced for *placing a person in a distressful situation* to imprisonment for at least one and at most ten years.

If the crime is of a less serious nature, a fine or imprisonment for at most two years shall be imposed. (Law 1998:393)

#### *Section 4*

A person who, by assault or otherwise by force or by threat of a criminal act, compels another to do, submit to or omit to do something, shall be sentenced for *unlawful coercion* to a fine or imprisonment for at most two years. Anyone who to such effect exercises coercion by threatening to prosecute or report another for a crime or give detrimental information about another, shall also be sentenced for unlawful coercion, provided that the coercion is wrongful.

If the crime referred to in the first, paragraph is gross, imprisonment for at least six months and at most six years shall be imposed. In assessing whether the crime is gross special consideration shall be given to whether the act included the infliction of pain to force a confession, or other torture.

#### *Section 4a*

A person who commits criminal acts as defined in Chapters 3, 4 or 6 against another person having, or have had, a close relationship to the perpetrator shall, if the acts form a part of an element in a repeated violation of that person's integrity and suited to severely damage that person's self-confidence, be sentenced for *gross violation of integrity* to imprisonment for at least six months and at most six years.

If the acts described in the first paragraph were committed by a man against a woman to whom he is, or has been, married or with whom he is, or has been cohabiting under circumstances comparable to marriage, he shall be sentenced for *gross violation of a woman's integrity* to the same punishment. (Law 1998:393)

#### *Section 5*

A person who raises a weapon against another or otherwise threatens to commit a criminal act, in such a manner that the nature thereof evokes in the threatened person a serious fear for the safety



of his own or someone else's person or property, shall be sentenced for *unlawful threat* to a fine or imprisonment for at most one year.

If the crime is gross, imprisonment for at least six months and at most four years shall be imposed. (Law 1993:207)

#### *Section 6*

A person who unlawfully intrudes or remains where another has his living quarters, whether it is a room, a house, a yard or a vessel, shall be sentenced to a fine for *breach of domiciliary peace*.

A person, who, without authorisation, intrudes or remains in an office, factory, other building or vessel or at a storage area or other similar place, shall be sentenced for *unlawful intrusion* to a fine.

If the crime mentioned in the first or second, paragraph is gross, imprisonment for at most two years shall be imposed.

#### *Section 7*

A person who physically molests or by discharging a firearm, throwing stones, making loud noise or other reckless conduct molests another, shall be sentenced for *molestation* to a fine or imprisonment for at most one year. (Law 1993:207)

#### *Section 8*

A person who unlawfully obtains access to a communication which a postal or telecommunications firm delivers or transmits in the form of mail or as a telecommunication, shall be sentenced for *breach of postal or telecommunication secrecy* to a fine or imprisonment for at most two years. (Law 1993:601)

### *Section 9*

A person who, in a case not covered by Section 8, unlawfully opens a letter or a telegram or otherwise obtains access to something kept under seal or lock or otherwise enclosed, shall be sentenced for *intrusion into a safe depository* to a fine or imprisonment for at most two years.

### *Section 9a*

A person who, in a case other than as stated in Section 8, unlawfully and secretly listens to or records by technical means for sound reproduction, speech in a room, a conversation between others or discussions at a conference or other meeting to which the public is not admitted and in which he himself does not participate, or to which he has improperly obtained access, shall be sentenced for *eavesdropping* to a fine or imprisonment for at most two years. (Law 1975:239)

### *Section 9b*

A person who employs technical means with the intention of committing a breach of telecommunication secrecy in the manner stated in Section 8 or to commit a crime as defined in Section 9a, shall be sentenced for preparation of such a crime to a fine or imprisonment for at most two years if he is not responsible for a completed crime. (Law 1975:239)

### *Section 9c*

A person who, in cases other than those defined in Sections 8 and 9, unlawfully obtains access to a recording for automatic data processing or unlawfully alters or erases or inserts such a recording in a register, shall be sentenced for *breach of data secrecy* to a fine or imprisonment for at most two years. A recording in this context includes even information that is being processed by electronic or

similar means for use with automatic data processing. (Law 1998:206)

#### *Section 10*

Attempt, preparation or conspiracy to commit kidnapping, unlawful deprivation of liberty or placing a person in a distressful situation, and any failure to reveal such crimes, shall be adjudged in accordance with the provisions of Chapter 23. The same shall apply to an attempt or preparation to commit unlawful coercion of a serious nature or breach of data secrecy, which if it had been completed, could not be considered petty. (Law 1998:206)

#### *Section 11*

Breach of domiciliary peace or unlawful intrusion not of a serious nature, unlawful eavesdropping not committed in a public place or preparation for such a crime, molestation which did not occur in a public place, or intrusion into a safe depository, may be prosecuted by a prosecutor only if the injured party reports the crime for prosecution or if prosecution is called for in the public interest. This also applies to unlawful coercion by threatening to prosecute or to inform on another for a crime or to give detrimental information about another, as well as an attempt to commit or prepare such a crime. (Law 1975:239)

## Chapter 5

### On Defamation

#### *Section 1*

A person who points out someone as being a criminal or as having a reprehensible way of living or otherwise furnishes information intended to cause exposure to the disrespect of others, shall be sentenced for *defamation* to a fine.

If he was duty-bound to express himself or if, considering the circumstances, the furnishing of information on the matter was defensible, or if he can show that the information was true or that he had reasonable grounds for it, no punishment shall be imposed.

#### *Section 2*

If the crime defined in Section 1 is regarded as gross, a fine or imprisonment for at most two years shall be imposed for *gross defamation*.

In assessing whether the crime is gross, special consideration shall be given to whether the information, because of its content or the scope of its dissemination or otherwise, was calculated to bring about serious damage.

#### *Section 3*

A person who vilifies another by an insulting epithet or accusation or by other infamous conduct towards him, shall be sentenced, if the act is not punishable under Section 1 or 2, for *insulting behaviour* to a fine.

If the crime is gross, a fine or imprisonment for at most six months shall be imposed.

#### *Section 4*

Defamation of a deceased person shall result in liability under Section 1 or 2 if the act is offensive to the survivors or if, having regard to the time that has passed since the deceased was alive and other circumstances, the act can be regarded as disturbing the peace to which the deceased should be entitled.

#### *Section 5*

Crimes mentioned in Sections 1-3 may not be prosecuted by other than the injured party. If, however, the injured party notifies the crime for prosecution, and if for special reasons prosecution is considered necessary in the public interest, a prosecutor may prosecute for:

1. defamation and gross defamation,
2. insulting behaviour towards a person exercising, or for the exercise of, his or her duties in office,
3. insulting behaviour towards a person with allusion to his or her race, colour, national or ethnic origin or religious belief, or
4. insulting behaviour towards a person with allusion to his or her homosexual inclination.

If defamation is directed against a deceased person, prosecution may be instituted by the surviving spouse, direct heir or heirs, father, mother or siblings and by a prosecutor if prosecution for special reasons is considered to be called for in the public interest.

If a crime mentioned in Sections 1-3 entails an outrage against the head of state of a foreign power who is at that time in Sweden, or against the representative of a foreign power in Sweden, and has thereby insulted the foreign power, the crime may be prosecuted by a public prosecutor notwithstanding the provisions of the first paragraph. However, such prosecution may not be instituted without an order of the Government or a person authorised by the Government. (Law 1998:393)

## Chapter 6

### On Sexual Crimes

#### *Section 1*

A person who by violence or threat which involves, or appears to the threatened person to involve an imminent danger, forces another person to have sexual intercourse or to engage in a comparable sexual act, that having regard to the nature of the violation and the circumstances in general, is comparable to enforced sexual intercourse, shall be sentenced for *rape* to imprisonment for at least two and at most six years. Causing helplessness or a similar state of incapacitation shall be regarded as equivalent to violence.

If having regard to the nature of the violence or the threat and the circumstances in general, the crime is considered less serious, a sentence to imprisonment for at most four years shall be imposed.

If the crime is gross, a sentence to imprisonment for at least four and at most ten years shall be imposed for *gross rape*. In assessing whether the crime is gross, special consideration shall be given to whether the violence involved a danger to life or whether the perpetrator caused serious injury or serious illness or, having regard to the method used or the victim's youth or other circumstances, exhibited particular ruthlessness or brutality. (Law 1998:393)

#### *Section 2*

A person who, under circumstances other than those defined in Section 1, makes someone engage in a sexual act by unlawful coercion shall be sentenced for *sexual coercion* to imprisonment for at most two years.

If the person who committed the act exhibited particular ruthlessness or if the crime is otherwise considered gross, a sentence of at least six months and at most four years shall be imposed for *gross sexual coercion*. (Law 1992:147)

### *Section 3*

A person who induces another person to engage in a sexual act by gross abuse of his or her dependent state shall be sentenced for *sexual exploitation* to imprisonment for at most two years. The same shall apply to a person who engages in a sexual act with another person by improperly taking advantage of the fact that the latter is helpless or in some other state of incapacitation or is suffering from a mental disturbance.

If the accused has exhibited particular ruthlessness or if the crime is otherwise to be considered gross, imprisonment for at least six months and at most six years shall be imposed for *gross sexual exploitation*. (Law 1998:393)

### *Section 4*

A person who engages in a sexual act with someone under eighteen years of age and who is that person's offspring or for whose upbringing he or she is responsible, or for whose care or supervision he or she is responsible by decision of a public authority, shall be sentenced for *sexual exploitation of a minor* to imprisonment for at most four years. This also applies to a person who, in circumstances other those mentioned previously in this Chapter, engages in a sexual act with a child under fifteen years.

If the person who committed the act exhibited particular lack of regard for the minor or if the crime by reason of the minor's young age or otherwise is regarded as gross, imprisonment for at least two and at most eight years shall be imposed for *gross sexual exploitation of a minor*. (Law 1998:393)

*Section 5*

Repealed (Law 1994:1499)

*Section 6*

If a person has sexual intercourse otherwise than as previously provided in this Chapter with his or her own child or its offspring imprisonment for at most two years shall be imposed for *sexual intercourse with an offspring*.

A person who has sexual intercourse with a blood sibling shall be sentenced to imprisonment for at most one year for *sexual intercourse with a sibling*.

The provisions of this Section do not apply to a person who has been made to commit the act by unlawful coercion or other improper means. (Law 1992:147)

*Section 7*

If a person sexually touches a child under fifteen years of age otherwise than as previously provided in this Chapter, or induces the child to undertake or participate in an act with sexual implication a fine or imprisonment for at most two years shall be imposed for *sexual molestation*.

A sentence for sexual molestation shall also be imposed on a person who by coercion, seduction or other improper influence induces a person who has attained the age of fifteen but not eighteen to undertake or participate in an act with sexual implication if the act is an element in the production of pornographic pictures or constitutes pornographic posing in circumstances other than those relating to the production of a picture.

This shall also apply if a person exposes himself or herself in such a manner that the nature thereof gives offence or otherwise manifestly behaves indecently by word or deed towards the latter in a way that flagrantly violates a sense of propriety. (Law 1994:1499)



### *Section 8*

A person who promotes or improperly financially exploits the casual sexual relations for payment of another person shall be sentenced for *procuring* to imprisonment for at most four years.

A person who, holding the right to the use of premises, grants the right to use them to another in the knowledge that the premises are wholly or to a substantial extent used for casual sexual relations for payment and omits to do what can reasonably be expected to terminate the granted right, he or she shall, if the activity continues or is resumed at the premises, be considered to have promoted the activity and shall be sentenced in accordance with the first, paragraph. (Law 1998:393)

### *Section 9*

If the crime provided for in Section 8 is gross, imprisonment for at least two and at most six years shall be imposed for *gross procuring*.

In assessing whether the crime is gross, special consideration shall be given to whether the accused promoted casual sexual relations for payment on a large scale or ruthlessly exploited another. (Law 1984:399)

### *Section 10*

A person who, by promising or giving recompense, obtains or tries to obtain casual sexual relations with someone under eighteen years of age, shall be sentenced for *seduction of youth* to a fine or imprisonment for at most six months. (Law 1984:399)

### *Section 11*

Criminal responsibility as provided for in this Chapter for an act committed against someone under a given age shall be required of a perpetrator who did not realise, but had reasonable grounds for

assuming, that the other person had not attained such age. (Law 1998:393)

### *Section 12*

An attempt to commit rape, gross rape, sexual coercion, gross sexual coercion, sexual exploitation, gross sexual exploitation, sexual exploitation of a minor, gross sexual exploitation of a minor, procuring and gross procuring shall be dealt with in accordance with the provisions of Chapter 23. This also applies to preparation for and conspiracy to commit rape, gross rape, gross sexual exploitation of a minor and gross procuring, together with failure to reveal such crime. (Law 1998:393)

### *Section 13*

If, in a case of sexual exploitation of a minor under Section 4, first, paragraph, second sentence or an attempt to commit such a crime, or in a case of sexual molestation under Section 7, first, paragraph, there is little difference in age and development between the person who committed the act and the child, public prosecution shall not occur unless it is called for in the public interest. (Law 1994:1499)

## Chapter 7

### On Crimes against the Family

#### *Section 1*

A married person who enters into a new marriage or a single person who marries someone who is already married, shall be sentenced for *bigamy* to a fine or imprisonment for at most two years.

A person who is a partner in a registered partnership and enters into a marriage, shall be sentenced for *unlawfully entering a marriage* to a fine or imprisonment for at most two years. (Law 1994:1119)

#### *Section 1a*

A married person who permits a partnership to be registered or being already in a registered partnership permits a partnership to be registered, shall be sentenced for *unlawful partnership* to a fine or imprisonment for at most two years. The same shall apply if some other person permits the registration of a partnership although his or her partner is already married or is a partner in a registered partnership. (Law 1994:1119)

#### *Section 2*

Repealed (Law 1973:648).

#### *Section 3*

A person who conceals or exchanges a child or otherwise, by giving incorrect notice to the authorities or by failing to give notice, appropriates for himself or another a false family status or deprives another of his rightful family status, shall be sentenced for *tampering with family status* to a fine or imprisonment for at most two years.

#### *Section 4*

A person who without authorisation separates a child under fifteen years of age from the person who has the custody of the child, shall, unless the crime is one against personal liberty, be sentenced for *arbitrary conduct concerning a child* to a fine or imprisonment for at most one year. The same applies if a person having joint custody with another of a child under fifteen years of age without good reason arbitrarily carries off the child or if the person who is to have the custody of the child without authorisation takes possession of the child and thereby takes the Law into his or her own hands.

A person is also criminally responsible under the first, paragraph who without authorisation separates a child under fifteen years of age from the person who has the custody of the child by virtue of the Care of Young Persons Special Provisions Act (1990:52), unless the crime is one against personal liberty or of furtherance of flight.

If the crime against the provisions of the first or second, paragraph is gross, the accused shall be sentenced to imprisonment for at least six months and at most two years. (Law 1993:207)

#### *Section 5*

An attempt to tamper with family status or a gross crime of arbitrary conduct concerning a child shall be sentenced in accordance with the provisions of Chapter 23. (Law 1993:207)

#### *Section 6*

Arbitrary conduct concerning a child may not be prosecuted by a public prosecutor unless prosecution is called for in the public interest. (Law 1973:648)

## Chapter 8

### On Theft, Robbery and Other Crimes of Stealing

#### *Section 1*

A person who unlawfully takes what belongs to another with intent to acquire it, shall, if the appropriation involves loss, be sentenced for *theft* to imprisonment for at most two years.

#### *Section 2*

If the crime under Section 1, having regard to the value of the stolen goods and other circumstances of the crime, is regarded as petty, a fine or imprisonment for at most six months shall be imposed for *petty theft*.

#### *Section 3*

Repealed (Law 1987:791)

#### *Section 4*

If the crime under Section 1 is considered to be gross, imprisonment for at least six months and at most six years shall be imposed for *gross theft*.

In assessing whether the crime is gross, special consideration shall be given to whether the unlawful appropriation took place after intrusion into a dwelling, whether it concerned the appropriation of property borne by a person, whether the accused was equipped with a weapon, explosive or similar aid, or whether the act was otherwise of an especially dangerous or ruthless nature, concerned property of considerable value or entailed a keenly felt loss. (Law 1988:2)

### *Section 5*

If a person steals from another by means of violence or by a threat implying or appearing to the threatened person to imply an imminent danger, or who, after committing a theft and being caught in the act, resists by such violence or threat a person who attempts to recover the stolen property, imprisonment for at least one and at most six years shall be imposed for *robbery*. The same shall apply to a person who by such violence or threat forces another to commit or omit to commit some act so that gain results to the accused and loss to the person so forced or to someone he represents. Causing helplessness or a similar state of incapacitation shall be regarded as equivalent to violence.

If the conduct under the first, paragraph, having regard to the violence, threat or other circumstances, is of a less serious nature the sentence shall not be for robbery but for such other crime as the conduct entails. (Law 1975:1395)

### *Section 6*

If the crime under Section 5 is regarded as gross, imprisonment for at least four and at most ten years shall be imposed for *gross robbery*.

In assessing whether the crime is gross, special consideration shall be given to whether the violence was dangerous to life or whether the accused caused serious bodily injury or a severe illness or otherwise exhibited considerable brutality or ruthlessly took advantage of the victim's defenceless or exposed situation.

### *Section 7*

A person who unlawfully takes or uses a motor vehicle or other motor-driven conveyance belonging to another, shall, unless the crime is punishable under the previous provisions of this Chapter, be sentenced for *vehicle theft* to imprisonment for at most two years or, if the crime is of a petty nature, to a fine.

If the crime is gross, imprisonment for at least six months and at most four years shall be imposed.

#### *Section 8*

If a person, in a case other than those specially provided for in this Chapter, unlawfully takes and uses or otherwise appropriates something, a fine or imprisonment for at most six months shall be imposed for *unlawful dispossession*. The same shall apply to a person who, without any appropriation, by fitting or breaking a lock or by other means unlawfully disturbs another's possession or by violence or threat of violence prevents another from exercising his right to retain or take something.

If the crime is gross, imprisonment for at most two years shall be imposed.

#### *Section 9*

A person who, in order to restore a personal right, unlawfully interferes with another's possession shall be sentenced for *self-repossession* to a fine or imprisonment for at most six months.

#### *Section 10*

A person who unlawfully diverts electric energy, shall be sentenced for *unlawful diversion of energy* to a fine or imprisonment for at most one year.

If the crime is gross a sentence to imprisonment for at least six months and at most four years shall be imposed. (Law 1993:207)

#### *Section 11*

If a person unlawfully takes such objects as are mentioned in Chapter 12, Section 2, second, paragraph from a forest or field, and if the crime is not to be considered as trespassing as there defined, the provisions of the present Chapter on misappropriation of property shall apply.

If a person disturbs another's possession of real property, by, for instance unlawfully raising or breaking down a fence, or by building, digging, ploughing, making a road or letting animals graze, or without authorisation deprives another of possession of real property or a part thereof, the provisions of Sections 8 and 9 on unlawful dispossession and unlawful repossession shall apply.

### *Section 12*

An attempt or preparation to commit theft, gross theft, robbery, gross robbery, vehicle theft or unlawful diversion of energy, and also conspiracy to commit or failure to reveal robbery or gross robbery shall be punished in accordance with the provisions of Chapter 23. If, however, a completed vehicle theft would have been regarded as petty such punishment shall not be imposed.

### *Section 13*

If a crime as defined in this Chapter other than gross theft, robbery or gross robbery has been committed against:

1. a person living with the accused other than on a temporary basis,
2. a spouse or a blood relation in a direct ascending or descending line or a relative by marriage, sibling, brother-in-law or sister-in-law, or
3. any other person similarly closely related to the accused, a public prosecutor may institute a prosecution only if the injured party has reported the crime for prosecution or if prosecution is called for in the public interest.

In application of the present provisions, any person accessory to the crime and any person guilty of receiving stolen goods or petty receiving of stolen goods shall be deemed equivalent to a accused. (Law 1987:791)



## Chapter 9

### On Fraud and Other Dishonesty

#### *Section 1*

If a person by deception induces someone to commit or omit to commit some act which involves gain for the accused and loss for the deceived or someone represented by the latter imprisonment for at most two years shall be imposed for *fraud*.

A sentenced for fraud shall also be imposed on a person who, by delivering incorrect or incomplete information, or by making alterations to a programme or recording or by other means, unlawfully affects the result of automatic data processing or any other similar automatic process so that gain accrues to the offender and loss is entailed by any other person. (Law 1986:123)

#### *Section 2*

If, having regard to the extent of the loss and other circumstances of the crime mentioned in Section 1, the crime is regarded as petty, a fine or imprisonment for at most six months shall be imposed for *fraudulent conduct*.

A person who avails himself of accommodation, meals, transportation or admission to a performance or anything similar offered on condition of cash payment, and fails to meet his obligation, shall, whether anyone was deceived or not, be sentenced for fraudulent conduct. However, this shall not apply if the act concerns a value that is inconsiderable and is in other respects as defined in Section 1. (Law 1976:1139)

#### *Section 3*

If a crime as defined in Section 1 is regarded as gross, imprisonment for at least six months and at most six years shall be

imposed for *gross fraud*.

In assessing whether the crime is gross, special consideration shall be given to whether the offender abused public trust or employed a false document or misleading bookkeeping, or whether the crime otherwise had been of a particularly dangerous nature, involved a substantial value or resulted in a keenly felt loss. (Law 1976:1139)

#### *Section 4*

A person who by unlawful coercion induces someone to do or not do something which involves gain for the offender and loss for the coerced person or someone represented by the latter, shall, unless the crime is regarded as robbery or gross robbery, be sentenced for *extortion* to imprisonment for at most two years or, if the crime is petty, to a fine.

If the crime is gross, imprisonment for at least six months and at most six years shall be imposed.

#### *Section 5*

A person who in connection with a contract or other legal transaction takes advantage of someone's distress, innocence or thoughtlessness or dependent relationship to him in order to obtain a benefit which is clearly disproportionate to the consideration afforded or for which no consideration will be provided, shall be sentenced for *usury* to a fine or imprisonment for at most two years.

A person shall also be sentenced for usury who, in connection with the granting of credit in a business activity or other activity that is conducted habitually or otherwise on a large scale, procures interest or other financial benefit which is manifestly disproportionate to the counter-obligation.

If the crime is gross, imprisonment for at least six months and at most four years shall be imposed. (Law 1986:123)

### Section 6

A person who

1. takes possession of something of which another has been dispossessed by a crime, and does so in such a manner that the nature thereof renders its restitution difficult,

2. procures an improper gain from another's proceeds of crime,

3. improperly promotes the opportunity for another to take advantage of property emanating from the proceeds of crime, or the value of such property,

4. assists in the removal, transfer, or sale of property which is derived from the proceeds of crime, or takes some similar measure, with the intent of concealing the origin of property, or

5. by a demand, transfer or other similar means asserts a claim arising from a crime,

shall be sentenced for *receiving* to imprisonment for at most two years.

A person who, in business activities or as a part of business activities which are conducted habitually or otherwise on a large scale, acquires or receives something which may reasonably be assumed to have been misappropriated from another person by a crime, and does so in such a manner that the nature thereof renders its restitution difficult, shall be similarly sentenced for receiving.

If the crime referred to in the first or second, paragraph is gross, imprisonment for at least six months and at most six years shall be imposed. (Law 1993:207)

### Section 7

If a crime under Section 6 is considered to be petty, imprisonment for at most six months or a fine shall be imposed for *petty receiving*.

A sentence for petty receiving shall also be imposed on a person who

1. in a case other than that provided for in Section 6, second, paragraph, acquires or receives something in such a manner that the

nature thereof renders restitution difficult which may reasonably be assumed to have been misappropriated from another person by a crime,

2. in a case as provided for in Section 6, first, paragraph, did not realise, but had reasonable cause to assume that a crime was involved, or

3. in a manner as provided for in Section 6, first, paragraph, point 1, participated in the crime whereby property was misappropriated from another and did not realise, but had reasonable cause to assume, that a crime had been committed. (Law 1991:451)

#### *Section 8*

A person who in a case other than those referred to earlier in this Chapter, acts dishonestly by misleading someone and inducing him to do or omit to do something, thereby harming him or someone he represents, shall be sentenced to a fine or imprisonment for at most two years shall be imposed for *dishonest conduct*. (Law 1970:414)

#### *Section 9*

A person who publishes or otherwise disseminates misleading information among the public in order to influence the price of an article, a security or other property, shall be sentenced for *swindling* to imprisonment for at most two years or, if the crime is petty, to a fine or imprisonment for at most six months.

A person who assists in organising a share company or other firm or who, because of his position ought to possess special knowledge about a firm, intentionally or through gross carelessness publishes or otherwise disseminates misleading information among the public or among those holding an interest in the firm of a nature to influence the assessment of the firm from a financial point of view, and thereby causes damage, shall be sentenced in accordance with the first paragraph.

If a crime as defined in this Section is gross, imprisonment for at least six months and at most six years shall be imposed. (Law 1993:207)

#### *Section 10*

A person who accepts for use as a means of exerting pressure in connection with a claim, a document that is false, drawn up for the sake of appearance or otherwise incorrect, or a cheque drawn on insufficient funds, shall be sentenced for *usurious acquisition* to a fine or imprisonment for at most two years.

#### *Section 11*

An attempt or preparation to commit fraud, gross fraud, extortion or usury shall be punished in accordance with the provisions of Chapter 23. The provisions of Chapter 23, Section 3, however, shall not apply to attempt at extortion.

A person who, in order to defraud an insurer, or otherwise with fraudulent intent, inflicts bodily harm on himself or on another or harm to property of his own or of another, shall be sentenced for preparation to commit fraud or gross fraud. The same shall apply if a person with the intent previously mentioned endeavours to bring about such harm. If, before the harm has been inflicted, he has voluntarily refrained from carrying out the act, he shall be free from criminal responsibility.

#### *Section 12*

The provisions of Chapter 8, Section 13, concerning limitation of a public prosecutor's right to prosecute shall also apply to the crimes defined in this Chapter with the exception of gross fraud.

A prosecution for fraud or fraudulent conduct which consists of making a withdrawal from a personal credit or deposit account in breach of agreement, and fraudulent conduct under Section 2, second paragraph, may only be initiated by the public prosecutor if this is in the public interest. (Law 1994:141)

## Chapter 10

### On Embezzlement and Other Breaches of Trust

#### *Section 1*

A person who, through a contract or public or private service or a similar situation, has gained possession of property on behalf of another with the obligation to deliver it or account for it, and appropriates the property or otherwise disregards what he has to comply with in order to be able to fulfil his obligation, shall, if the act results in gain for him and loss to the owner, be sentenced for *embezzlement* to imprisonment for at most two years.

#### *Section 2*

If, having regard to the value of the property and other circumstances, the crime defined in Section 1 is regarded as petty, a fine or imprisonment for at most six months shall be imposed for *withholding property*.

#### *Section 3*

If the crime defined in Section 1 is regarded as gross, imprisonment for at least six months and at most six years shall be imposed for *gross embezzlement*.

In assessing whether the crime is gross, special attention shall be given to whether the offender abused a responsible position or used a false document or misleading bookkeeping or whether the act was otherwise of a specially dangerous nature, involved a substantial amount or resulted in a particularly keenly felt loss.

#### *Section 4*

A person who, in a case other than one provided for earlier in this Chapter, takes any step concerning property in his possession to which the right of ownership or legal security is reserved for, guaranteed to or otherwise belongs to another and by such step the latter is dispossessed of his property or otherwise deprived of his right, shall be sentenced for *unlawful disposal* to a fine or imprisonment for at most two years.

#### *Section 5*

A person who, by reason of a position of trust has been given the task of managing another's financial affairs or independently handling an assignment requiring qualified technical knowledge, or exercising supervision over the management of such affairs or assignment, abuses his position of trust and thereby injures his principal, shall be sentenced for *breach of faith committed by an agent against his principal* to a fine or imprisonment for at most two years. The foregoing does not apply if the crime is punishable under Sections 1-3.

If the crime is gross, imprisonment for at least six months and at most six years shall be imposed. In assessing whether the crime is gross, special attention shall be given to whether the offender used a false document or misleading bookkeeping or caused his principal a substantial or particularly keenly felt loss.

A person who has been given the task of managing another's legal affairs and abuses his position of trust to the detriment of his principal, shall be sentenced in accordance with the first, paragraph even if the affairs are not of a financial or technical nature. (Law 1986:123)

#### *Section 6*

A person who, in a case not previously provided for in this Chapter, by misusing his authority to take legal action on behalf of another,

harms that person, or, by misuse of his authority to call in a promissory note or like instrument, lays claim to something that belongs to another, shall be sentenced for *misuse of authority* to a fine or imprisonment for at most two years. The same shall apply if a person demands payment in conformity with a document that has not been issued or payment of a debt already settled or demands the delivery of goods he has already received or, when presented with a demand, adduces a receipt which has not been given.

#### *Section 7*

A person who unlawfully uses something belonging to another and thereby causes damage or inconvenience, shall be sentenced for *unlawful use* to a fine or imprisonment for at most six months.

The same shall apply if the owner of a property uses it to the prejudice of another's right to it by unlawfully building, digging, ploughing, making a road, letting animals graze or taking some other similar action.

If the crime as defined in the first, paragraph is gross, imprisonment for at least six months and at most four years shall be imposed. (Law 1993:207)

#### *Section 8*

A person who does not comply with the law's provisions concerning the obligation to give notice of property found or belonging to another, of which possession was gained by error or by chance, shall be sentenced for *failure to return lost property* to a fine. If such obligation was disregarded with intent to appropriate the property or if otherwise the property was dealt with in a manner defined in Section 4, the provisions of that Section shall apply.



*Section 9*

Attempted embezzlement, gross embezzlement or disloyalty to principal shall be punished in accordance with the provisions of Chapter 23.

*Section 10*

The provisions of Chapter 8, Section 13, concerning restriction of a public prosecutor's right to prosecute shall also apply to crimes as defined in this Chapter with the exception of gross embezzlement and such disloyalty to a principal which is considered gross.

Unlawful conversion of property, which has come into the possession of the accused through an agreement on the hire of the property or an agreement according to which the right of ownership shall be transferred only after payment has been made, or which the accused otherwise possesses by virtue of a credit purchase subject to a right of recovery, may only be prosecuted by a public prosecutor if such prosecution is, for a special reason, called for in the public interest. (Law 1994:1411)

## Chapter 11

### On Crimes against Creditors

#### *Section 1*

A person who, being insolvent or in manifest danger of becoming insolvent, destroys, or by gift or other like action disposes of property of substantial value, shall be sentenced for *dishonesty to creditors* to imprisonment for at most two years. This also applies to any person who by means of a like act or acts renders himself insolvent or brings about a manifest danger of becoming insolvent.

A debtor who, in connection with the rescheduling of debts under the Debt Rescheduling Act (Law 1994:334), bankruptcy or negotiation of a public accord with creditors, conceals an asset, reports a non-existent debt, or gives other erroneous information of like nature, shall also, unless the statement is corrected before it is attested on oath or otherwise made the basis of the proceeding, be sentenced for dishonesty to creditors. The same shall apply if a debtor, in connection with some other executive proceeding, invokes an erroneous document or a fictitious contract and thereby hinders the seizure, in conformity with the proceeding, of property necessary to provide a creditor with payment or security.

Any debtor who, with impending bankruptcy, removes from the Realm an asset of substantial value with the intention of withholding such asset from the bankruptcy estate, or any debtor who, being bankrupt, withholds an asset from the bankruptcy administration shall likewise be sentenced for dishonesty to creditors. (Law 1994:335)

#### *Section 2*

If a crime under Section 1 is considered to be gross, imprisonment shall be imposed for not less than six months and not more than six years for *gross dishonesty to creditors*.

In assessing whether a crime is gross, special attention shall be given to whether the offender attested a false statement, or made use of a false document or misleading bookkeeping, or if the crime was on a considerable scale. (Law 1986:43)

### *Section 3*

Any person who, being insolvent or in manifest danger of becoming insolvent, continues to run an enterprise, utilising thereby considerable means without corresponding benefit to the enterprise, or who lives in a wasteful or extravagant manner, or who enters into a hazardous undertaking or thoughtlessly assumes onerous commitments, or who embarks upon a similar course of action and thereby intentionally or through gross carelessness substantially worsens his economic status, shall be sentenced for *careless disregard of creditors* to imprisonment for at most two years. The same shall apply even though the perpetrator did not realise, but had good reason to assume, that he was insolvent or in manifest danger of becoming insolvent.

A debtor who in connection with the rescheduling of debts under the Debt Rescheduling Act (Law 1994:334), bankruptcy or negotiation of a public accord with creditors, through gross carelessness conceals an asset, reports a non-existent debt or provides some other erroneous information of like nature, shall also, unless the statement is corrected before it is attested on oath or otherwise made the basis of the proceeding, be sentenced for careless disregard of creditors. (Law 1994:335)

### *Section 4*

A person who, being insolvent or in manifest danger of becoming insolvent, favours a particular creditor by paying a debt which has not fallen due, making payment by means other than is customary, or furnishing security not agreed upon when the debt was incurred, or by taking some other such action, shall, if the measure entails a manifest lessening of the rights of other creditors, be sentenced for

*favouritism to a creditor* to imprisonment for at most two years. The same shall apply to a person who, being insolvent, shows favouritism to a creditor for an improper purpose by means other than those defined here and thereby occasions a manifest danger that the rights of other creditors will thereby be substantially diminished.

A debtor who, for the purpose of promoting an accord, secretly makes or promises payment or other advantage, shall also be sentenced for favouritism to creditors. (Law 1986:43)

#### *Section 5*

A person who intentionally or through carelessness neglects the obligation to maintain accounts in accordance with the Bookkeeping Act (1976:125), The Act on Foundations (Law 1994:1220) or the Pension Obligations Protection Act (1967:531) by failing to enter business transactions into the accounts or to preserve accounting material, or by entering false information into the accounts or in some other way, shall, if in consequence the course of the business or its financial results or status cannot in the main be assessed from the accounts, be sentenced for *bookkeeping crime* to imprisonment for at most two years, or, if the crime is petty, to a fine. If the crime is gross imprisonment for not less than six months and not more than four years shall be imposed. (Law 1994:1220)

#### *Section 6*

Attempted dishonesty to creditors under Section 1, first, paragraph or attempted dishonesty to creditors under Section 1, third, paragraph, which means that an asset is removed from the Realm, shall be punished in accordance with the provisions of Chapter 23. (Law 1986:43)

#### *Section 7*

A person who, whilst acting for or on behalf of a debtor, commits an act for which a debtor is criminally responsible under the

provisions of this Chapter, shall be sentenced as if he himself were a debtor.

A creditor who, in a case defined in Section 4, accepts or permits himself to be promised a payment, security or other benefit shall only be sentenced for complicity if he used an improper threat or improper promise of a benefit or acted in collusion with the perpetrator. (Law 1986:43)

#### *Section 8*

Careless disregard of creditors under Section 3, first, paragraph, may be prosecuted by a public prosecutor only if prosecution is called for in the public interest. (Law 1982:150)

## Chapter 12

### On Crimes Inflicting Damage

#### *Section 1*

A person who destroys or damages property, real or moveable, to the detriment of another's right thereto, shall be sentenced for *inflicting damage* to a fine or imprisonment for at most six months.

#### *Section 2*

If, having regard to the insignificance of the damage to property and other circumstances, the crime mentioned in Section 1 is considered to be petty, a fine shall be imposed for *trespass*.

A person who in a forest or field unlawfully takes growing trees or grass or from growing trees takes twigs, branches, bark, leaves, bast, acorns, nuts or resin, or takes windfall trees, stone, gravel, sod or similar things not prepared for use, shall be sentenced for trespass if the crime is considered to be petty having regard to the value of what is taken and other circumstances.

#### *Section 3*

If the crime defined in Section 1 is regarded as gross, imprisonment for at most four years shall be imposed for *gross infliction of damage*.

In assessing whether the crime is gross, special attention shall be paid to whether the act gave rise to an extreme risk to anyone's life or health or the damage was to something of great cultural or financial importance or was otherwise a particularly keenly felt loss.

*Section 4*

A person who unlawfully makes his way across a building lot, a plantation or other land that can be damaged thereby, he shall be sentenced for *taking an unlawful path* to a fine.

*Section 5*

Attempt or preparation to commit the crime of gross infliction of damage and failure to reveal such a crime is punishable in accordance with the provisions of Chapter 23.

*Section 6*

Trespass or taking an unlawful path may, if the crime only infringes the right of a private person, be prosecuted by a prosecutor only if prosecution is called for in the public interest.

## Chapter 13

### On Crimes Involving Public Danger

#### *Section 1*

A person who starts a fire which entails danger to another's life or health or extensive destruction of another's property shall be sentenced for *arson* to imprisonment for at least two and at most eight years.

If the crime is less serious, imprisonment of at least one and at most three years shall be imposed. (Law 1993:207).

#### *Section 2*

If the crime defined in Section 1 is considered gross, imprisonment for a fixed term of at least six and at most ten years, or for life, shall be imposed for *gross arson*.

In assessing whether the crime is gross, special attention shall be paid to whether the fire was started in a densely populated area, where it could easily spread, or otherwise constituted a danger to a number of persons or to property of special importance.

#### *Section 3*

A person who causes an explosion, flooding, landslide, shipwreck, an aircraft or train accident or other like calamity and thereby gives rise to a danger to another's life or health or to extensive destruction of another's property, shall be sentenced for *devastation endangering the public* to imprisonment for at least two and at most eight years.

If the crime is less serious, imprisonment for at least one and at most three years shall be imposed.

If the crime is gross, imprisonment for a fixed term of at least six and at most ten years, or for life, shall be imposed. (Law 1993:207).



#### *Section 4*

A person who destroys or damages property of considerable importance for the defence of the Realm, public subsistence, the administration of justice or public administration, or the maintenance of public order and security in the Realm, or by some other action, not limited to the withholding of labour or encouraging such action, seriously disturbs or obstructs the use of such property, shall be sentenced for *sabotage* to imprisonment for at most four years. This shall also apply if a person otherwise, by inflicting damage or by other action of the kind just described, seriously disturbs or obstructs public traffic or the use of telegraph, telephone, radio or other similar public service or use of an installation for the supply of water, light, heat or power to the public.

#### *Section 5*

If a crime as defined in Section 4 is considered gross, imprisonment for at least two and at most ten years, or for life, shall be imposed for *gross sabotage*.

In assessing whether the crime is gross, special attention shall be paid to whether it caused danger to the security of the Realm, to the lives of a number of persons, or to property of special importance.

#### *Section 5a*

A person who, by means of unlawful coercion, seizes or interferes with the operation of an aircraft or a vessel used in civil commercial maritime traffic for the transport of goods or passengers, towing, salvaging, fish or other catch, shall be sentenced for *hijacking* to imprisonment for at most four years. The same shall apply to a person who by unlawful coercion seizes a platform in the sea which is intended for activities in connection with the exploration or

exploitation of natural resources or for some other financial purpose.

A person who in other cases:

1. destroys or seriously damages such a vessel or such a platform as is mentioned in the first paragraph or an aircraft in traffic, or

2. undertakes an action of a nature to present a danger to the safety of such vessel or such platform as is mentioned in the first paragraph or to the safety of such an aircraft during flight, shall be sentenced for *maritime or air traffic sabotage* to imprisonment for at most four years.

If the crime described in the first or second paragraph is considered to be gross, a sentence for a fixed term, of at least two and most ten years, or for life shall be imposed. In assessing whether the crime is gross, special attention shall be given to whether danger was thereby caused to a number of persons or whether the act was otherwise of a particularly dangerous nature. (Law 1990:416).

#### *Section 5b*

A person who:

1. uses serious violence or threatens such violence against a person who is at an airport open to international traffic,

2. destroys or seriously damages an installation belonging to such an airport or which is used for its traffic, or an aircraft which is not in traffic but is parked at the airport, or

3. by the use of violence or threat of violence thwarts the operations conducted at such an airport,

shall be sentenced, if the act is of a nature to endanger the operations at or safety of the airport, for *airport sabotage*, to imprisonment for at most four years.

If the crime is considered to be gross, a sentence to imprisonment for a fixed term of at least two and at most ten years, or for life shall be imposed. In assessing whether the crime is gross, special attention shall be paid to whether it presented danger to the

lives of a number of persons or if the act was otherwise of a particularly dangerous nature. (Law 1990:416)

### *Section 6*

A person who carelessly, by the careless handling of fire or explosives or in some other way causes

1. a fire or some calamity mentioned in Sections 1, 2 or 3 or a danger of its occurring, or
2. causes the damage or obstruction described in Section 4, or
3. the damage described in Section 5a, second paragraph, or Section 5b, first paragraph, second point,

shall be sentenced for *carelessness endangering the public* to a fine or imprisonment for at most six months.

If the crime is gross, imprisonment for at most two years shall be imposed. (Law 1990:416)

### *Section 7*

A person who creates a general danger to human life or health by poisoning or infecting food, water, or the like, or in other ways by spreading poison or the like, or by transmitting or spreading serious disease, shall be sentenced for *spreading poison or a contagious substance* to imprisonment for at most six years.

If the crime is gross, imprisonment for at least four and at most ten years, or for life, shall be imposed. In assessing whether the crime is gross, special attention shall be paid to whether it was committed with intent to harm another's life or health or exposed a number of persons to danger.

### *Section 8*

A person who creates a general danger to animals or plants by means of poison or by transmitting or spreading malignant disease or by spreading noxious animals or weeds or by other like means, shall be sentenced for *causing destruction* to a fine or imprisonment for at most two years.

If the crime is gross, imprisonment for at least six months and at most six years shall be imposed. In assessing whether the crime is gross, special attention shall be paid to whether it was committed with intent to cause damage or whether property of substantial value was exposed to danger.

*Section 8a*

Repealed (Law 1998:809)

*Section 9*

A person who through carelessness commits an act defined in Section 7 or 8, shall be sentenced for *careless handling of poison or contagious substance* to a fine or imprisonment for at most of two years. (Law 1998:809)

*Section 10*

A person who, without being criminally responsible under the preceding provisions of this Chapter, while handling fire, explosives or poison or in some other way creates a danger of fire or calamity as described in Sections 1, 2, or 3 or general danger as described in Sections 7 or 8, and neglects, after becoming aware of the danger, to do what can be reasonably expected to avert it, he shall be sentenced for *neglect to avert public danger* to a fine or imprisonment for at most one year.

*Section 11*

A person who has incurred criminal responsibility under Sections 1, 2, 3, 6, 7, 8, 9 or 10, or under Section 5a, second paragraph, point 2, or Section 5b, first paragraph, points 2 or 3, but has voluntarily averted the danger or effect therein mentioned before considerable inconvenience or nuisance has arisen, may be sentenced to a less severe punishment than is provided for the act. No punishment shall be imposed if the danger occasioned by the act was slight and the

punishment provided for the act does not exceed imprisonment for one year. (Law 1998:809)

*Section 12*

Attempt, preparation or conspiracy to commit arson, gross arson, devastation endangering the public, sabotage, gross sabotage, hijacking, maritime or aircraft sabotage, airport sabotage, spreading poison or a contagious substance, or causing destruction, and also for failure to reveal such a crime, shall be punished in accordance with the provisions of Chapter 23. (Law 1990:416)

## Chapter 14

### On Crimes of Falsification

#### *Section 1*

A person who, by writing the name of another person, real or fictitious, or by deceit obtains another's signature or in other ways produces a false document or deceitfully alters or adds to a genuine document, shall, if the act jeopardises proof, be sentenced for *falsification of a document* to imprisonment for at most two years.

A document is to be considered as including a protocol, contract, promissory note, certificate or other record established as evidence or otherwise important as evidence and also an identification card, ticket or similar evidential token.

#### *Section 2*

If the crime defined in Section 1 is regarded as petty a fine or imprisonment for at most six months shall be imposed for *falsifying a document*.

In assessing whether a crime is petty, special attention shall be paid to whether the document was of little importance, such as a cash register receipt, counter token or like proof of receipt, or the act was committed to aid a person to gain his right.

#### *Section 3*

If the crime defined in Section 1 is considered gross, imprisonment for at least six months and at most six years shall be imposed for *gross falsification of a document*.

In assessing whether the crime is gross, special attention shall be paid to whether the falsification involved a public authority's important archival document or a document of special importance in general commerce such as a bond, a share certificate or a

mortgage or whether the act was in other ways of an especially harmful nature.

#### *Section 4*

A person who destroys, renders unserviceable or removes a document which he has no right at the time to dispose of in such manner, shall, if the act jeopardises proof and is not to be regarded as a bookkeeping crime, be sentenced for *suppression of a document* to imprisonment for at most two years or, if the crime is petty, to a fine or imprisonment for at most six months.

If the crime is gross, imprisonment for at least six months and at most four years shall be imposed. (Law 1982:150)

#### *Section 5*

A person who without permission affixes to or otherwise forges another person's name or signature on a work of art or applied art or on some similar such product and thereby makes it appear that the latter has confirmed himself to be the originator of the product, shall be sentenced for *forgery of signature* to imprisonment for at most two years or, if the crime is petty, to a fine or imprisonment for at most six months.

If the crime is gross, imprisonment for at least six months and at most four years shall be imposed. (Law 1970:489)

#### *Section 6*

A person who counterfeits a banknote or coin valid within or outside the Realm or otherwise forges a banknote or coin, shall be sentenced for *counterfeiting currency* to imprisonment for at most four years or, if the crime is petty, to a fine or imprisonment for at most six months.

If the crime is gross, imprisonment for at least two and at most eight years shall be imposed.

### *Section 7*

A person who counterfeits a valid postage stamp, cover stamp or other domestic or foreign stamp indicating value, whether official or meant for general use, or an official domestic or foreign control stamp on a measure, weight, merchandise, document or other thing, or affixes such false stamp or falsely affixes a genuine stamp, or otherwise forges such a stamp or the object stamped, shall, if the act jeopardises proof, be sentenced for *stamp forgery* to imprisonment for at most two years or, if the crime is petty, to a fine or imprisonment for at most six months.

If the crime is gross, imprisonment for at least six months and at most four years shall be imposed.

### *Section 8*

A person who falsely affixes a mark or other object which can be taken to be a valid boundary mark, water mark, fixed point or other mark for the measure of surface or height, or moves, takes away, damages or destroys such a mark, shall, if the act jeopardises proof, be sentenced for *falsification of fixed mark* to imprisonment for at most four years or, if the crime is petty, to a fine or imprisonment for at most six months.

### *Section 9*

A person who invokes a false document, offers or holds for sale a work with a false signature, passes a counterfeit banknote or coin, uses a false mark indicating value or a false control stamp, invokes a false fixed mark or otherwise makes use of anything that has been falsified in a manner described above, shall, if the act jeopardises proof, be sentenced for the use of that which was falsified as if he himself had made the falsification.



*Section 10*

A person who, in a case other than as described in Section 9, distributes generally something that can easily be mistaken for a valid banknote, coin or other official token of value, shall be sentenced for *illegal distribution of imitations* to a fine.

*Section 11*

A person, who has incurred criminal responsibility under the above provisions of this Chapter, but voluntarily and before any considerable inconvenience has arisen has averted in the matter of proof the jeopardy presented by the act, may be sentenced to a lesser punishment than that provided for the crime. No punishment shall be imposed if the danger occasioned by the act was slight and the punishment provided for the act does not exceed imprisonment for one year.

*Section 12*

An attempt or preparation to commit document forgery, gross document forgery, suppression of document, forgery of signature, counterfeiting of currency, stamp forgery, falsification of fixed mark, or to use something which is falsified, and also for failure to disclose the counterfeiting of currency, shall be punishable under the provisions of Chapter 23. However, no punishment shall be imposed if the crime, had it been completed, would have been regarded as petty.

## Chapter 15

### On Perjury, False Prosecution and Other Untrue Statements

#### *Section 1*

A person who, under legal oath, gives untrue information or withholds the truth, shall be sentenced for *perjury* to imprisonment for at most four years or, if the crime is petty, to a fine or imprisonment for at most six months.

If the crime is gross, imprisonment for at least two and at most eight years shall be imposed. In assessing whether the crime is gross, special attention shall be paid to whether it was done with the intent that an innocent person be convicted of a serious crime or that very considerable harm was done to someone. (Law 1975:1292)

#### *Section 2*

A person who, during a hearing in court proceedings, after declaring that he will tell the truth gives untrue information or withholds the truth, shall be sentenced for *untrue statement by a party* to imprisonment for at most two years or, if the crime is petty, to a fine or imprisonment for at most six months.

#### *Section 3*

A person who commits an act, as described in Section 1 or 2, through gross carelessness, shall be sentenced for *careless statement* to a fine or imprisonment for at most six months.

#### *Section 4*

No punishment shall be imposed if a statement described in Sections 1-3 is proved to be without significance for the issue.

The foregoing shall also apply if a person has given untrue information or has withheld the truth with regard to something about which he would have had the right to refuse to express himself and the circumstances furnish him with a reasonable excuse.

#### *Section 4 a*

A person who under liability to punishment gives untrue information or withholds the truth from a court in Denmark, Finland, Iceland or Norway, shall be sentenced for *false statement before a Nordic court* to a sanction as provided in Section 1, if the testimony would have been given under legal oath in this Realm, and in accordance with Section 2 in the case of testimony by a party to a civil case. If the act is committed through gross carelessness, the person shall be sentenced for *careless statement before a Nordic court* to a sanction as provided in Section 3.

The provisions of Sections 4, 14 and 15 shall be applied correspondingly to an act referred to in the first paragraph. (Law 1975:1292)

#### *Section 4 b*

If a witness or expert under oath before the Court of Justice of the European Communities, before the Court of First Instance of that Court or before the European Free Trade Area Court (the EFTA Court), gives untrue information or withholds the truth, a sentence for *untrue statement before an international court* shall be imposed in accordance with Section 1, provided the statement would have been given under legal oath in this Realm. If the act is committed through gross carelessness, a sentence for *careless statement before an international court* shall be imposed in accordance with Section 3.

The applicable parts of the provisions of Sections 4, 14 and 15 shall also apply to an act described in the first paragraph. (Law 1995:316)

### Section 5

If a person institutes the prosecution of an innocent person with the intent that the latter be convicted, a sentence shall be imposed for *false prosecution* to imprisonment for at most two years or, if the crime was petty, to a fine or imprisonment for at most six months.

If the crime is gross, imprisonment for at least six months and at most four years shall be imposed. In assessing whether the crime is gross, special attention shall be paid to whether the prosecution related to a serious crime or involved misuse of an official position.

A person who institutes prosecution without probable cause for so doing shall be sentenced for *unjustified prosecution* to a fine or imprisonment for at most six months.

### Section 6

If someone denounces an innocent person for prosecution with the intent that such person be convicted, a sentence shall be imposed for *false accusation* to imprisonment for at most two years or, if the crime is petty, to a fine or imprisonment for at most six months.

If the accused did not realise, but had reasonable grounds for assuming, that the person denounced was innocent, a sentence shall be imposed for *unjustified accusation* to a fine or imprisonment for at most six months.

### Section 7

A person who, in a case other than as provided for in Section 6, untruthfully charges another before a public prosecutor, police authority or other authority, with a criminal act, alleges some compromising circumstance, or denies an exonerating or extenuating circumstance, shall, if the authority is bound to receive reports of this kind, be sentenced for *false incrimination* to imprisonment for at most two years or, if the crime is petty, to a fine or imprisonment for at most six months.

If the accused did not realise but had reasonable grounds for assuming that the information was untrue, he shall be sentenced for *careless incrimination* to a fine or imprisonment for at most six months.

#### *Section 8*

A person who tampers with or removes evidence with the intent that an innocent person be convicted, or with such intent invokes false evidence, shall be sentenced for *tampering with evidence* to imprisonment for at most two years or, if the crime is petty, to a fine or imprisonment for at most six months.

If the crime is gross, imprisonment for at least six months and at most four years shall be imposed.

#### *Section 9*

If person not being liable to punishment under previous provisions in this Chapter has by any act there described given rise to a danger that someone, without legal cause, be sentenced or otherwise suffer considerable harm, and if once having realised this, neglects to do what can be reasonably required to avert the harm, he shall be sentenced for *neglect to avert judicial error* to a fine or imprisonment for at most six months.

#### *Section 10*

A person who in a written deposition which according to law or statute is made under oath or on one's faith and honour or like affirmation, gives untrue information or withholds the truth, shall, if the act jeopardises proof, be sentenced for *untrue affirmation* to a fine or imprisonment for at most six months or, if the crime is gross, imprisonment for at most two years.

If such action is due to gross carelessness, a sentence to a fine or imprisonment for at most six months shall be imposed for *careless affirmation*.

### *Section 11*

A person who gives untrue information about his identity or about other than his own affairs in a certificate or other document, or for the sake of appearances prepares a document concerning a legal document shall, if the act jeopardises proof, be sentenced for *false certification* to a fine or imprisonment for at most six months. If the crime is considered gross because it involves misuse of official position or for other reasons, imprisonment for at most two years shall be imposed.

A person who invokes or otherwise uses a false document referred to in the first paragraph, shall, if the act jeopardises proof, be sentenced, as there provided, for *using a false document*.

### *Section 12*

A person who misuses a passport, certificate or similar document issued in the name of a given individual, by representing himself or another as being that individual or imparts the document to be thus misused, or if he imparts a false document, which has come into being as a carbon copy or photographic reproduction or otherwise, as being a correct copy of a certain document, shall, if the act jeopardises proof, be sentenced for *misuse of document* to a fine or imprisonment for at most six months or, if the crime is gross, to imprisonment for at most two years.

### *Section 13*

A person who denies his signature on a document, shall, if the act jeopardises proof, be sentenced for *denial of signature* to a fine or imprisonment for at most six months or, if the crime is gross, imprisonment for at most two years.

### *Section 14*

A person who, having incurred criminal responsibility under the previous provisions of this Chapter, has voluntarily and before

considerable inconvenience has arisen, corrected the mistake or by other means averted the risk of further inconvenience may be sentenced to a less severe punishment than is provided for the act. If the risk was slight and a punishment not exceeding six months imprisonment is provided for the act, no punishment shall be imposed.

*Section 15*

Punishment shall be imposed in accordance with the provisions of Chapter 23 for preparation to commit perjury or conspiracy to commit perjury involving efforts to instigate such act, as well as attempt to tamper with evidence. If the crime, had it been completed, would have been regarded as petty, no punishment as here provided shall be imposed.

## Chapter 16

### On Crimes against Public Order

#### *Section 1*

If a crowd of people disturbs public order by demonstrating an intention to use group violence in opposition to a public authority or otherwise to compel or obstruct a certain measure and does not disperse when ordered to do so by the authority, the instigators and leaders shall be sentenced for *riot* to imprisonment for at most four years and other participants in the crowd's proceedings to a fine or imprisonment for at most two years.

If the crowd disperses on order of the authority, the instigators and leaders shall be sentenced for riot to a fine or imprisonment for at most two years.

#### *Section 2*

If a crowd, with intent referred to in Section 1, has proceeded to use group violence on a person or property, whether a public authority was present or not, sentences to imprisonment for *violent riot* shall be imposed on instigators and leaders for at most ten years whilst participants in the crowd's proceedings shall be sentenced to a fine or imprisonment for at most four years.

#### *Section 3*

A member of a crowd that disturbs the public order who neglects to obey a command aimed at maintaining order, or intrudes into an area that, for such purpose, is enclosed or has been fenced off, shall, if no riot occurs, be sentenced for *disobeying police orders* to a fine or imprisonment for at most six months.



#### *Section 4*

A person who by act of violence, loud noise or other like means disturbs or tries to interfere with a public religious service, other public devotional exercise, wedding, funeral or like ceremony, a court session or other state or municipal official function, or a public gathering for deliberation, instruction or to hear a lecture, shall be sentenced for *disturbing a function or public meeting* to a fine or imprisonment for at most six months.

#### *Section 5*

A person who orally, before a crowd or congregation of people, or in a publication distributed or issued for distribution, or in other message to the public, urges or otherwise attempts to entice people to commit a criminal act, evade a civic duty or disobey public authority, shall be sentenced for *inciting rebellion* to a fine or imprisonment for at most six months.

A sentence for inciting rebellion shall also be imposed upon any person who orally before a gathering of members of the armed forces or by other communication with members of the armed forces urges or otherwise attempts to entice them to an act or omission in dereliction of their service duty.

Punishment shall not be imposed in petty cases. In assessing whether the crime is petty, special consideration shall be given to whether there was only an insignificant risk that the enticement or attempted enticement would in fact have effect.

If the crime, in view of the fact that the offender attempted to instigate the commission of a serious crime or in view of other circumstances, must be regarded as gross, imprisonment for at most four years shall be imposed. (Law 1986:645)

#### *Section 6*

If a gathering of members of the armed forces collectively threaten to overthrow or resist a lawful authority of those forces, they shall

be sentenced for *mutiny* to a fine or imprisonment for at most four years. Instigators and leaders of the mutiny, however, shall be sentenced to imprisonment for at most six years.

If the participants in a mutiny have used collective force or violence against a person or property, they shall be sentenced to imprisonment for at most of six years. The instigators and leaders, however, shall be sentenced to imprisonment for at most ten years, or for life.

If the crime is otherwise considered to be gross, the accused shall be sentenced to imprisonment for at most ten years, or for life. In assessing whether the crime is gross, special consideration shall be given to whether the act or actions were committed during battle or at a time when a breach of military discipline would otherwise result in special danger. (Law 1986:645)

#### *Section 7*

Repealed (Law 1970:225)

#### *Section 8*

A person who, in a disseminated statement or communication, threatens or expresses contempt for a national, ethnic or other such group of persons with allusion to race, colour, national or ethnic origin or religious belief shall, be sentenced for *agitation against a national or ethnic group* to imprisonment for at most two years or, if the crime is petty, to a fine. (Law 1988:835)

#### *Section 9*

A businessman who in the conduct of his business discriminates against a person on grounds of that person's race, colour, national or ethnic origin or religious belief by not dealing with that person under the terms and conditions normally applied by the businessman in the course of his business with other persons, shall be sentenced for *unlawful discrimination* to a fine or imprisonment for at most one year.

The provisions of the foregoing paragraph relating to discrimination by a businessman shall also apply to a person employed in a business or otherwise acting on behalf of a businessman and to a person employed in public service or having a public duty.

A sentence for unlawful discrimination shall also be imposed on any organiser of a public assembly or gathering, and on any collaborator of such organiser, who discriminates against a person on grounds of his race, colour, national or ethnic origin or religious belief by refusing him access to the public assembly or gathering under the terms and conditions normally applied to other persons.

A sentence for unlawful discrimination shall also be imposed on any person designated in the first to third paragraphs above who, in the manner there indicated, discriminates against another on the ground that the latter has a homosexual disposition. (Law 1987:610)

#### *Section 10*

A person who, without authorisation, moves, injures or outrageously treats the corpse or ashes of the dead, opens a grave or otherwise inflicts damage on or abuses a coffin, urn, grave or other resting place of the dead or a tombstone, shall be sentenced for *crime against the peace of the tomb* to a fine or imprisonment for at most six months. (Law 1993:207)

*Section 10a*

A person who

- 1 portrays a child in a pornographic picture;
- 2 disseminates, transfers, grants use, exhibits or in any other way makes such a picture of a child available to some other person;
- 3 acquires or offers such a picture of a child;
- 4 brings about contact between a buyer and a seller of such pictures of children or takes any other similar step to facilitate dealing in such pictures; or
- 5 possess such a picture of a child

shall be sentenced for *child pornography crime* to imprisonment for at most two years, or, if the crime is petty, to a fine or imprisonment for at most six months.

By child is meant a person whose pubertal development is not complete or, if it is apparent from the picture and its attendant circumstances, who is less than 18 years of age.

A person who in the course of business or otherwise for the purpose of making money disseminates a picture of the kind described in the first paragraph through negligence shall be sentenced as there stated.

If the crime described in the first paragraph is considered to be gross a sentence of at least six months and at most four years shall be imposed for *gross child pornography crime*. In assessing whether the crime is gross special consideration shall be given to whether it was committed in the course of business or otherwise for profit, was a part of criminal activity that was systematically practised or practised on a larger scale, or concerned a particularly large number of pictures or pictures in which children are exposed to especially ruthless treatment.

The prohibitions against depiction and possession do not apply to a person who draws, paints or in some other similar hand-crafted fashion produces a picture of the kind described in the first paragraph as long as it is not intended for dissemination, transfer, granted use, exhibition or in any other way be made available to

others. Even in other cases the act shall not constitute a crime if, having regard to the circumstances, it is justifiable. (Law 1998:1444)

*Section 10b*

Any person who in a picture depicts sexual violence or coercion with intent to disseminate the picture or pictures or disseminates such depiction, shall, unless the act in view of the circumstances is justifiable, be sentenced for *unlawful depiction of violence* to a fine or imprisonment for at most two years. This also applies to any person who in moving pictures intrusively or extensively depicts extreme violence towards humans or animals with intent to disseminate such pictures, or disseminates such a depiction.

A person who through negligence disseminates a depiction mentioned in the first paragraph in the course of business or otherwise for the purpose of making money, shall be punished in accordance with the provisions of the first paragraph.

The provisions of the first and second paragraphs shall not apply to films or video recordings approved for public showing by the National Board of Film Censors. Nor shall they apply to a technical recording of moving pictures the contents of which are identical with those of a film or video recording approved by the Board. In addition, the first and second paragraphs do not apply to public showings of films or video recordings.

If a technical recording of moving pictures is furnished with a certificate confirming that a film or video recording with an identical content has been approved by the National Board of Film Censors, no criminal responsibility exists under the provisions of the first or second paragraph for the dissemination of the recording. This shall however not apply if the certificate was false and the person who disseminated the recording realised or should have realised that this was so. (Law 1998:1444)

### *Section 10 c*

Any person who, intentionally or through gross negligence in the course of business or otherwise for the purpose of making money purveys to a person under the age of fifteen a film, video recording or other technical recording with moving pictures explicitly and realistically depicting violence or the threat of violence towards humans or animals shall be convicted of *illicit purveyance of a technical recording* and sentenced to a fine or imprisonment for at most six months.

The provisions of the first paragraph do not apply to films or video recordings approved by the National Board of Film Censors for showing to children under the age of fifteen. Nor shall they apply to a technical recording of moving pictures with an identical content to a film or video recording approved by the Board of Film Censors. In addition, the first paragraph does not apply to public showings of films or video recordings.

If a technical recording of moving pictures is furnished with a certificate confirming that a film or video recording with an identical content has been approved by the National Board of Film Censors for showing to children under the age of fifteen, no criminal responsibility exists under the provisions of the first paragraph. This shall not, however, apply if the certificate was false and the person who purveyed the recording realised or should have realised that this was so. (Law 1998:1444)

### *Section 11*

A person who, on or at a public place, exhibits pornographic pictures by means of displays or other similar procedure in a manner which is apt to result in public annoyance, shall be sentenced for *unlawful exhibition of pornographic pictures* to a fine or imprisonment for at most six months. This also applies to a person who sends through the mail to or otherwise furnishes another with unsolicited pornographic pictures. (Law 1970:225)

### *Section 12*

A person who distributes among children or young persons a writing, picture or technical recording which owing to its content may brutalise or otherwise involve serious danger to the moral nurture of the young, shall be sentenced for *leading youth astray* to a fine or imprisonment for at most six months. (Law 1998:1444)

### *Section 13*

A person who, with intent or through gross carelessness, by maltreating, overworking, neglecting or in some other way unjustifiably exposes an animal to suffering, shall be sentenced for *cruelty to animals* to a fine or imprisonment for at most two years. (Law 1972:629)

### *Section 14*

If a person unlawfully organises for the public a game or other similar activity the outcome of which is entirely or essentially dependent on chance and, if in view of the nature of the activity, the financial value of the stakes and other circumstances it appears hazardous or of a nature to bring a considerable financial gain for the organiser, he shall be sentenced for *illicit gambling* to a fine or imprisonment for at most two years. The same applies to a person who permits such activity in an apartment or other premises which he has opened to the public. (Law 1986:1007)

### *Section 14 a*

If the crime referred to in Section 14, first paragraph, is regarded as gross, the offender shall be sentenced for *gross illicit gambling* to imprisonment for at least six months and at most four years.

In assessing whether the crime is gross, special attention shall be paid to whether the activity was conducted professionally,

comprised considerable amounts or otherwise had been of a specially hazardous nature. (Law 1982:1061)

#### *Section 15*

A person who, by furnishing a false statement that danger exists for the life or health of one or more people or for extensive destruction of property, occasions unnecessary safety measures, shall be sentenced for *false alarm* to a fine or imprisonment for at most one year.

If the crime referred to in the first paragraph is regarded as gross, imprisonment for at least six and at most four years shall be imposed.

A person who, by improper use of an alarm, emergency signal or other similar device, causes an unnecessary turn out of the police, rescue service, fire brigade, ambulance service, the military, sea-rescue service or other public security service shall be sentenced for *improper use of an alarm* to a fine or imprisonment for not more than six months. (Law 1993:207)

#### *Section 16*

A person who is noisy in a public place or who otherwise publicly behaves in a manner apt to arouse public indignation, shall be sentenced for *disorderly conduct* to pay a fixed fine. (Law 1991:240)

#### *Section 17*

A person preparing or conspiring to mutiny, or who fails to disclose a mutiny, shall be sentenced in accordance with the provisions of Chapter 23. The same shall also apply to the crime of attempt or preparation of gross illicit gambling, to the crime of attempt of child pornography crime described in Section 10a, first paragraph if it is not petty, and attempt or preparation to gross child pornography crime. (Law 1998:1444)



*Section 18*

A person who, having granted the usufructuary right to a dwelling, acquires knowledge that the property is wholly or to a substantial extent used for illicit gambling or gross illicit gambling or for an attempt to, or preparation for, gross gambling and fails to do what can reasonably be required to bring the grant to an end, shall be considered, if the criminal activity continues or is resumed at the property, to have promoted it and be sentenced under the provisions governing complicity in Chapter 23. (Law 1980:892)

*Section 19*

Public prosecution of a crime defined in Section 10 c may only be instituted with the prior consent of the National Board of Film Censors. For crimes defined in Section 10 b, the National Board of Film Censors shall express their opinion before a public prosecution is instituted concerning films and video recordings. (Law 1991:1560)

## Chapter 17

### On Crimes against Public Activity

#### *Section 1*

A person who, by violence or threat of violence, attacks anyone in his exercise of public authority or compels him to perform or to prevent him from performing an official act or for the purpose of taking revenge for such act, shall be sentenced for *violence or threat to public servant* to imprisonment for at most four years or, if the crime is petty, to a fine or imprisonment for at most six months. This also applies if a person assaults someone who has previously exercised public authority for something the latter did or failed to do while in office. (Law 1975:667)

#### *Section 2*

A person who, otherwise than as stated in Section 1, in order to compel or prevent someone in his exercise of public authority or in order to take revenge for an official action, wrongfully engages in an act which causes such person suffering, injury or inconvenience, or threatens to have such consequence, shall be sentenced for *outrageous conduct toward a public servant* to a fine or imprisonment for at most six months.

If the crime is gross, imprisonment for at most four years shall be imposed. (Law 1975:667)

#### *Section 3*

Repealed (Law 1975:667)

#### *Section 4*

Even in cases not previously provided for in this Chapter, a person who resists or otherwise seeks to prevent anyone in his exercise of public authority shall be sentenced for *violent resistance* to a fine or imprisonment for at most six months. (Law 1975:667)

#### *Section 5*

The provisions of Sections 1, 2 and 4 shall also apply if a person, as stated in those Sections, commits an outrage against or hinders anyone who, by special order, shall enjoy the same protection as is associated with the exercise of public authority or who is or has been summoned to assist a public servant with a measure for which such protection is provided. (Law 1975:667)

#### *Section 6*

Repealed (Law 1976:509)

#### *Section 7*

A person who gives, promises or offers a bribe or other improper reward to an employee or other person defined in Chapter 20, Section 2, for the exercise of official duties, shall be sentenced for *bribery* to a fine or imprisonment for at most two years. (Law 1977:103)

#### *Section 8*

A person who, in an election to public office or in connection with some other exercise of suffrage in public matters, attempts to prevent voting or to tamper with its outcome or otherwise improperly influence the vote, shall be sentenced for *improper activity at election* to a fine or imprisonment for at most six months.

If the crime is gross, imprisonment for at most four years shall be imposed. In assessing whether the crime is gross, special attention shall be paid to whether it had been committed by use of violence or the threat of violence or had involved misuse of an official position.

A person who receives, accepts a promise of or demands an improper favour for voting in a certain manner or for abstaining from voting on a public matter, shall be sentenced, unless it is a crime of taking a bribe, for *accepting an improper reward for voting* to a fine or imprisonment for at most six months. (Law 1977:103)

#### *Section 9*

A person who without authorisation seeks to secure information about matters which, with respect to the exercise of suffrage on public questions shall be kept secret, shall be sentenced for *violating the privacy of suffrage* to a fine or imprisonment for at most six months.

#### *Section 10*

A person who, by violence or threat of violence, assaults someone because he has, in court or before another authority, filed a complaint, pleaded a cause, testified, or else made a statement at a hearing, or to prevent him from so doing, shall be sentenced for *interference in a judicial matter* to a fine or imprisonment for at most two years. The same shall apply to a person who by some other act causes suffering, injury or inconvenience, or by threat of such act, assaults someone because the latter testified or made some other statement at an official hearing, or does so to prevent the making of such a statement.

If the crime is gross, imprisonment for at least six months and at most six years shall be imposed (Law 1997:389)

### *Section 11*

A person who hides someone who has committed a crime, helps him to escape, destroys evidence concerning the crime, or in other like ways thwarts its discovery or prosecution, shall be sentenced for *protecting a criminal* to a fine or imprisonment for at most one year.

If the crime is gross, imprisonment for at least six months and at most four years shall be imposed.

A person who did not realise but had reasonable grounds to assume that the other was a criminal, shall be sentenced to pay a fine.

No sentence shall be imposed if having regard to the relationship of the accused to the criminal and other circumstances the crime is to be considered petty. (Law 1993:207)

### *Section 12*

A person who assists someone who is an inmate of a prison, or who is remanded in custody or arrested, or otherwise lawfully deprived of his liberty, to gain his freedom or, after such escape, aids him by hiding him or by other like action, shall be sentenced for *aiding escape* to a fine or imprisonment for at most one year.

If the crime is gross, imprisonment for at least six months and at most four years shall be imposed.

Punishment shall not be imposed if the act is considered petty having regard to the nature and purpose of the deprivation of liberty, the means employed by the perpetrator and his relationship to the person whose escape he has aided. (Law 1993:207)

### Section 13

A person who unlawfully moves, damages or otherwise disposes of property that is subject to distraint, provisional attachment, security of payment, confiscation or other similar measure, damages or removes an official notice or seal or otherwise unlawfully opens something officially closed or breaches some similar officially proclaimed order, shall be sentenced for *violation of official order* to a fine or imprisonment for at most one year.

A person who refuses admittance which a functionary has the right to demand, shall be sentenced for *obstructing a functionary* to a fine. (Law 1981:827)

### Section 14

Repealed (Law 1975:667)

### Section 15

An unauthorised person who claims to be exercising public authority, shall be sentenced for *pretence of public office* to a fine or imprisonment for at most six months. This also applies to a person who without authority wears a uniform, symbol or other service token which makes him appear to belong to the armed services or some other branch of public service or to a service dealing with public communications or the public supply of water, light, heat or power.

If the crime has caused considerable harm to the public or to any individual or is otherwise to be regarded as gross, the offender shall be sentenced to imprisonment for at most two years.

An unauthorised person who claims to be an advocate, shall be sentenced for *pretending to be an advocate* to a fine. (Law 1975:667)

*Section 16*

Attempt or preparation to commit violence or threat against a public servant shall be punishable under the provisions of Chapter 23 unless the crime would have been considered petty had it been completed. Attempt or preparation to aid escape shall also be punishable under the provisions of Chapter 23. (Law 1981:463)

*Section 17*

If a bribe has been given to a person who is neither an employee of the State or a local authority nor defined by Chapter 20, Section 2, second paragraph, points 1 - 4, a public prosecutor may only prosecute if the crime is reported for prosecution by the employer or principal of the person exposed to bribery or if prosecution is called for in the public interest. (Law 1977:103)

## Chapter 18

### On Crimes of Lese-majesty

#### *Section 1*

A person who, with intent that the form of government be overthrown by force of arms or other violent means or that a measure or decision of the Head of State, the Government, Parliament or the supreme judicial bodies be thus forced or obstructed, takes action which involves a danger of the realisation of such intent, shall, if it is not high treason, be sentenced for *sedition* to imprisonment for ten years, or for life or, if the danger was slight, to at least four and at most ten years. (Law 1974:565)

#### *Section 2*

If the act referred to in Chapters 3-5 involves an assault against the King or other member of the Royal Family or against a Regent acting in place of the King, imprisonment for at most four years shall be imposed if otherwise at most six months imprisonment can be imposed for the crime, and for at most six years if the crime otherwise would be subject to imprisonment for more than six months but at most four years. (Law 1974:565)

#### *Section 3*

A person who, with the intent that the crime be committed against public security or the liberty of citizens, gathers or leads an armed force or keeps it assembled or furnishes a force with arms, ammunition or other like equipment or trains it in the use of arms, shall be sentenced for *armed threat against the legal order* to imprisonment for at least six and at most ten years.



#### *Section 4*

A person who founds or participates in an association which must be considered to constitute or, in view of its character and the purpose for which it has been organised, is easily capable of developing into, an instrument of force such as a military troop or a police force, and which does not with due authority reinforce the national defence or the police, or who on behalf of such association deals in arms, ammunition or other like equipment, makes available a building or land for its activity or supports it with money or in other ways, shall be sentenced for *unlawful military activity* to a fine or imprisonment for at most two years.

#### *Section 5*

A person who exerts illegal coercion or illegal threat with the intent of influencing the shaping of public opinion or of encroaching on freedom of action within a political organisation or a trade or industrial association and thereby endangers freedom of speech, assembly or association, shall be sentenced for *crime against civil liberty* to imprisonment for at most six years.

#### *Section 6*

A person who, by mutilation or otherwise, for a short or long period incapacitates himself for military service which it was his duty to perform in the armed forces or otherwise for the defence of the Realm, or by feigning illness or by means of other deception evades such service, shall be sentenced for *evading defence duty* to a fine or imprisonment for at most two years or, if the Realm was at war, to a fine or imprisonment for at most four years.

#### *Section 7*

Attempt, preparation or conspiracy to commit sedition or armed threat against the legal order, failure to reveal such crime, as well as

attempt to commit crime against civil liberty, or evading defence duty shall be punished under the provisions of Chapter 23.

*Section 8*

An act referred to in Chapters 3-5 which involves an outrage against the King or any other person defined in Section 2 may not be prosecuted by a prosecutor without an order from the Government, unless someone's death occurred as a result of the act. The same applies to attempt, preparation or conspiracy to commit an act here mentioned or failure to reveal such act. (Law 1974:565)

## Chapter 19

### On Crimes against the Security of the Realm

#### *Section 1*

A person who with the intent that the Realm or a part thereof, by violent or otherwise illegal means or with foreign aid, be placed under foreign domination or made dependent on a foreign power, or that a part of the Realm be thus torn loose, takes action which involves danger that such intent be realised, shall be sentenced for *high treason* to imprisonment for ten years or for life or, if the danger was slight, for at least four and at most ten years.

A person who, with the intent that a measure or decision of the Head of State, the Government, Parliament or the supreme judicial bodies be coerced or obstructed with foreign aid, engages in an act involving a danger of this occurring, shall also be sentenced for high treason. (Law 1974:565)

#### *Section 2*

A person who by violent means or foreign aid causes a danger of the Realm being involved in war or other hostilities, shall, unless it is high treason, be sentenced for *instigating war* to imprisonment for at least two and at most eight years.

#### *Section 3*

A person who has been commissioned to negotiate with a foreign power on behalf of the Realm or otherwise to protect the concerns of the Realm in dealings with someone who represents the interests of a foreign power and misuses his authority to represent the Realm or otherwise his position of trust and thereby causes the Realm considerable harm, shall be sentenced for *disloyalty in negotiation with a foreign power* to imprisonment for a fixed term of at least two and at most ten years, or for life.

#### *Section 4*

A Swedish citizen who, without permission from the Government or a person designated by the Government, allows himself to be used as an agent of a foreign power in a diplomatic matter which concerns the Realm, and also anyone who in the alleged capacity of an authorised agent enters into negotiation about such a matter with someone who represents the interests of a foreign power, shall be sentenced for *arbitrary conduct in negotiation with a foreign power* to imprisonment for at most two years, or if the Realm was at war, for at most four years.

If the crime jeopardised the Realm's right of self-determination or its peaceful relations with a foreign power, imprisonment for at least one and at most six years shall be imposed or, if the Realm was at war, for a fixed term of at least four and at most ten years, or for life. (Law 1976:509)

#### *Section 5*

A person who, in order to aid a foreign power, without authorisation obtains, transmits, gives or otherwise reveals information concerning a defence facility, arms, supplies, imports, exports, means of production, negotiations, decisions or other conditions, the disclosure of which to a foreign power can cause harm to the total defence of the Realm, or otherwise to the security of the Realm, shall be sentenced, whether the information is correct or not, for *espionage* to imprisonment for at most six years. This also applies if person with the intent here described, produces or takes possession of a writing, drawing or other object containing such information without authority. (Law 1981:1165)

### *Section 6*

If a crime referred to in Section 5 is regarded as gross, imprisonment for a fixed term of at least four and at most ten years, or for life, shall be imposed for *gross espionage*.

In assessing whether the crime is gross, special attention shall be paid to whether the act was of an especially dangerous nature in view of an ongoing war or concerned matters of great importance or whether the perpetrator disclosed something entrusted to him by reason of his position in public or private service.

### *Section 7*

A person who, without intent to aid a foreign power, without authority obtains, transmits, gives or reveals information concerning matters of a secret nature, the disclosure of which to a foreign power can cause harm to the defence of the Realm or to the maintenance of necessary supplies to the people during war or during extraordinary conditions caused by war, or otherwise to the security of the Realm, shall be sentenced, whether the information is correct or not, to *unauthorised dealing with secret information* to a fine or imprisonment for at most two years. (Law 1981:1165)

### *Section 8*

If a crime under the provisions of Section 7 is regarded as gross, imprisonment for at most four years shall be imposed for *gross unauthorised dealing with secret information*.

In assessing whether the crime is gross special attention shall be paid to whether the act involved assistance of a foreign power or was of an especially dangerous nature having regard to an ongoing war, or related to a matter of great significance, or whether the accused disclosed what had been confided to him by reason of public or private service. (Law 1976:509)

### *Section 9*

A person who through gross carelessness transmits, gives or reveals information described in Section 7 shall be sentenced to a fine or imprisonment for at most six months or, if the Realm was at war, to a fine or imprisonment for at most two years. (Law 1981:1165)

### *Section 10*

A person who, with the intent of aiding a foreign power, conducts activities designed to acquire information relating to military or other matters, the revelation of which to that foreign power could cause harm to the security of another foreign power, or lends assistance not solely of an incidental nature to such activities in the Realm, shall be sentenced for *unlawful intelligence activities* to a fine or imprisonment for at most one year.

A person who, with the intent of aiding a foreign power, secretly or by fraudulent means conducts in the Realm activities designed to acquire information concerning the personal circumstances of another individual or lends assistance not solely of an incidental nature to such activities, shall likewise be sentenced for unlawful intelligence activities.

If a crime under this Section is gross, imprisonment for at least six months and at most four years shall be imposed. (Law 1993:207)

### *Section 11*

If an act referred to in Chapter 3 or 4 involves an affront to a foreign power by an outrage against the foreign power's Head of State or its representative in this Realm, imprisonment for at most two years shall be imposed, if the crime otherwise is subject to imprisonment for at most six months, and for at most four years if the crime is otherwise subject to imprisonment for more than six months and at most two years. These provisions shall have corresponding application if a foreign power is affronted because

someone intrudes into premises occupied by its representatives or causes damage to such premises or to property therein contained. (Law 1970:225)

#### *Section 12*

A person who within this Realm and without the authority of the Government recruits people for foreign military service or comparable service, or induces people to leave the country unlawfully in order to enter such service, shall be sentenced for *unlawful recruiting* to a fine or imprisonment for at most six months or, if the Realm was at war, to imprisonment for at most two years. (Law 1974:565)

#### *Section 13*

A person who accepts money or other property from a foreign power or from any person abroad who is acting in the interest of a foreign power in order, through the publication or dissemination of writings or otherwise, to influence public opinion in a matter affecting any of the foundations of the Realm's form of government or in any question of significance for the security of the Realm and which it lies in the power of Parliament or the Government to decide on, shall be sentenced for *acceptance of foreign assistance* to imprisonment for at most two years. (Law 1981:1165)

#### *Section 14*

Attempt, preparation or conspiracy to commit high treason, disloyalty in negotiation with foreign power, espionage, gross espionage, gross unauthorised dealing with secret information, or unlawful intelligence activity, as well as attempt or preparation to engage in unauthorised dealing with secret information, shall be in accordance with the provisions of Chapter 23. Entering into contact with a foreign power for the purpose of preparing, making possible or facilitating high treason shall also be regarded as conspiracy to

commit such crime.

A person who fails to reveal high treason, disloyalty in negotiation with a foreign power, espionage, gross espionage or gross unauthorised dealing with secret information, shall also be punished in accordance with the provisions of Chapter 23 and shall be so liable even though he did not realise but should have realised that a crime was being committed. (Law 1976:509)

#### *Section 15*

A person who, in view of what is known to him by reason of warnings given or otherwise, should have realised that high treason, disloyalty in negotiation with a foreign power, espionage, gross espionage or gross unauthorised dealing with secret information is taking place, and contributes to the act, shall be punishable as an accessory. However, no more severe punishment than imprisonment for two years may be imposed. (Law 1976:509)

#### *Section 16*

Unlawful intelligence activity, acceptance of foreign assistance or unlawful recruiting, or attempt, preparation or conspiracy to undertake unlawful intelligence activity, may not be prosecuted by a public prosecutor without authorisation by the Government.

An act referred to in Chapters 3 or 4 and involving such an affront to a foreign power as is referred to in Section 11, as well as attempt, preparation or conspiracy to commit or failure to reveal such act, may not be prosecuted by a public prosecutor without authorisation by the Government or a person designated by the Government. (Law 1981:1165)



## Chapter 20

### On Misuse of Office, etc.

#### *Section 1*

A person who in the exercise of public authority by act or by omission, intentionally or through carelessness, disregards the duties of his office, shall be sentenced for *misuse of office* to a fine or imprisonment for at most two years. If, having regard to the perpetrator's official powers or the nature of his office considered in relation to his exercise of public power in other respects or having regard to other circumstances, the act may be regarded as petty, punishment shall not be imposed.

If a crime mentioned in the first paragraph has been committed intentionally and is regarded as gross, a sentence for *gross misuse of office* to imprisonment for at least six months and at most six years shall be imposed. In assessing whether the crime is gross, special attention shall be given to whether the offender seriously abused his position or whether the crime occasioned serious harm to an individual or the public sector or a substantial improper benefit.

A member of a decision-making national or municipal assembly shall not be held responsible under the provisions of the first or second paragraphs of this Section for any action taken in that capacity.

Nor shall the provisions of the first and second paragraphs of this Section apply if the crime is subject to a punishment under this or some other Law. (Law 1989:608)

#### *Section 2*

An employee who receives, accepts a promise of or demands a bribe or other improper reward for the performance of his duties, shall be sentenced for *taking a bribe* to a fine or imprisonment for at most two years. The same shall apply if the employee committed the act

before obtaining the post or after leaving it. If the crime is gross, imprisonment for at most six years shall be imposed.

The provisions of the first paragraph in respect of an employee shall also apply to:

1. a member of a directorate, administration, board, committee or other such agency belonging to the State, a municipality, county council, association of local authorities, parish, religious society, or social insurance office,

2. a person who exercises a assignment regulated by statute,

3. a member of the armed forces under the Act on Disciplinary Offences by Members of the Armed Forces, etc. (1986:644), or other person performing an official duty prescribed by Law,

4. a person who, without holding an appointment or assignment as aforesaid, exercises public authority, and

5. a person who, in a case other than stated in points 1-4, by reason of a position of trust has been given the task of managing another's legal or financial affairs or independently handling an assignment requiring qualified technical knowledge or exercising supervision over the management of such affairs or assignment. (Law 1993:207)

### *Section 3*

A person who discloses information which he is duty-bound by Law or other statutory instrument or by order or provision issued under a Law or statutory instrument to keep secret, or if he unlawfully makes use of such secret, he shall, if the act is not otherwise specially subject to punishment, be sentenced for *breach of professional confidentiality* to a fine or imprisonment for at most one year.

A person who through carelessness commits an act described in the first paragraph shall be sentenced to a fine. In petty cases, however, punishment shall not be imposed. (Law 1980:102)

#### *Section 4*

A person elected to a national or local government assignment involving the exercise of public authority may be removed therefrom by a court if he has committed a crime for which the punishment is imprisonment for two years or more and, through the crime, has proved manifestly unsuited for the assignment.

An assignment with such other employers as are referred to in Section 2, second paragraph, point 1, shall be considered equivalent to a national or local government assignment. (Law 1988:942)

#### *Section 5*

A prosecutor may, without hindrance of other provisions which may exist, prosecute crimes through which a national or local government employee or other person referred to in Section 2, second paragraph, points 1-4, has neglected his obligations in the exercise of his appointment or assignment.

However, notwithstanding what is said in the first paragraph, the following shall apply:

1. the provisions of this Code specifying that prosecution may not take place without the authority of the Government or by a person empowered by the Government, and
2. the provisions of any other statute or statutory instrument concerning prosecution of an act for which a punishment may be imposed only if the act is committed by a holder of an appointment or assignment as defined in the first paragraph.

If a crime of taking a bribe has been committed by a person not covered by the first paragraph, a prosecutor may bring an action only if the crime is reported for prosecution by the employer or principal or if prosecution is called for in the public interest.

Unless otherwise prescribed for a given case, a prosecutor may prosecute a breach of professional confidentiality existing for the benefit of an aggrieved person only if the latter reports the crime for prosecution or if prosecution is called for in the public interest.

Prosecution for crimes committed in the exercise of the appointment or assignment by a Member of Parliament, Minister, Justice of the Supreme Court, Justice of the Supreme Administrative Court or holder of an appointment or assignment with the Parliament or its organs is subject to separate provisions. (Law 1977:103)

*Sections 6-15*

Repealed (Law 1975:667)

## Chapter 21

### On Crimes by Members of the Armed Forces

#### *Section 1*

The provisions of this Chapter shall be applied when the Realm is in a state of war.

If the Realm is in danger of entering a state of war, or if there prevail such extraordinary conditions or circumstances as may have been provoked by a war or by the perils of a war in which the Realm may have found itself, the Government may order that the provisions of this Chapter shall be applied. (Law 1986:645)

#### *Section 2*

Upon cessation of the conditions and circumstances described in Section 1, the Government shall order that the provisions of this Chapter shall no longer apply. (Law 1986:645)

#### *Section 3*

For the purposes of this Chapter, all those liable to serve in the armed forces shall be considered to be members of the armed forces.

The armed forces shall also be understood to comprise:

1. police officers who, without being liable to serve in the armed forces, are liable to take part in the defence of the Realm,
2. guards and protected area guards appointed under the Protection of Important Installations Act (Law 1990:217),
3. all other persons otherwise attached to detachments of the armed forces when such detachments are in the field or operating under similar circumstances, and
4. members of an organised resistance movement. (Law 1990:218)

#### *Section 4*

The provisions of this Chapter relating to members of the armed forces shall also apply to:

1. prisoners of war,
2. participants in a war interned during the course of a war in which the Realm is neutral, and
3. aliens residing or staying with prisoners of war or interned participants in a war for the purpose of administering medical or spiritual care. (Law 1986:645)

#### *Section 5*

A member of the armed forces who refuses or fails to obey an order given by a superior, or if unduly delays carrying out such order, shall be sentenced for *insubordination* to a fine or imprisonment for at most two years. However, he shall not be sentenced if it is clearly apparent that the order had no bearing on the duties of his office. (Law 1986:645)

#### *Section 6*

If a crime defined in the previous Section is considered to be gross, the offender shall be sentenced for *gross insubordination* to imprisonment for at most ten years, or for life. In assessing whether the crime is gross, special consideration shall be given to whether the criminal act or actions were committed during battle or at a time when a breach of military discipline would otherwise constitute a special danger. (Law 1986:645)

#### *Section 7*

A member of the armed forces who absconds or is unlawfully absent from duty, shall be sentenced for *desertion* to a fine or imprisonment for at most two years.

If the crime is considered gross, imprisonment for at most ten years, or for life shall be imposed. In assessing whether the crime is gross, special consideration shall be given to whether the offender absconded during battle or in conjunction with battle, or whether he went over to the enemy or otherwise voluntarily delivered himself into the hands of the enemy. (Law 1986:645)

#### *Section 8*

A member of the armed forces who by violence, or the threat of violence, assails a superior in the execution of his duty, whether to compel him to perform or prevent him from performing a duty of his office, or for reasons otherwise arising from the nature of his office, shall be convicted of *violence or threat against a superior* and sentenced to a fine or imprisonment for at most two years.

Sentries and other members of the armed forces serving as guards for the maintenance of order shall be accorded the status of a superior.

If the crime is considered gross, imprisonment for at most six years shall be imposed. In assessing whether the crime is gross, special consideration shall be given to whether the criminal act was committed during battle or at a time when a breach of military discipline would otherwise constitute a danger. (Law 1986:645)

#### *Section 9*

A member of the armed forces who unlawfully dispatches a message to or otherwise enters into contact with a member of the enemy's forces or someone residing in enemy territory, shall be sentenced for *consorting with the enemy* to a fine or imprisonment for at most two years. (Law 1986:645)

#### *Section 10*

A member of the armed forces who, during battle or at a time when a breach of military discipline otherwise constitutes a gross danger,

counsels other members of the armed forces to deliver themselves up to the enemy, or if otherwise in the presence of other members of the armed forces without authorisation undertakes an action of a nature to foster disloyalty or despondency, shall be sentenced for *undermining the will to fight* to imprisonment for at most ten years, or for life. (Law 1986:645)

#### *Section 11*

A member of the armed forces who fails in the performance of his duty, to make defences ready for battle, to prepare a detachment for action, to procure property or material, or otherwise to prepare a military operation, shall be sentenced for *neglect of military preparation* to imprisonment for at most ten years, or for life. (Law 1986:645)

#### *Section 12*

A member of the armed forces who, whilst in command of a detachment of the armed forces without authorisation committals a combat position, materials of war or any object or objects of material significance for the conduct of war to the enemy, or committals himself and his detachment to the enemy, shall be sentenced for *unauthorised capitulation* to imprisonment for at most ten years, or for life. (Law 1986:645)

#### *Section 13*

A member of the armed forces who, during battle or in conjunction with battle, fails to carry out his duty to the utmost to further the waging of the war, shall be sentenced for *combat dereliction* to imprisonment for at most ten years, or for life. (Law 1986:645)



*Section 14*

A member of the armed forces who intentionally or through gross carelessness disregards the duties incumbent upon him and the fault is considered to be serious, shall be sentenced for *breach of duty* to imprisonment for at most two years.

Punishment shall not be imposed under the provisions of the foregoing paragraph if a punishment for the act is prescribed in some other Section of this Chapter. (Law 1986:645)

*Section 15*

Attempt, preparation or conspiracy to desert or failure to reveal desertion as well as attempt, preparation or conspiracy to use violence or threat against a superior shall be punishable under the provisions of Chapter 23.

For aiding and abetting breach of duty, only the person who thereby disregarded his duty shall be punishable. (Law 1986:645)

*Section 16*

For the purposes of Sections 7, 9, 10 and 12, the enemy shall be considered to include a foreign power with which the Realm is not at war if there exists a danger that the Realm may come to be at war with that power. (Law 1986:645)

## Chapter 22

### On Treason, etc.

#### *Section 1*

A person who, when the Realm is at war:

1. obstructs, misleads or betrays those engaged in the defence of the Realm, or who inveigles into them mutiny, disloyalty or dispiritedness,

2. betrays, destroys or damages materials or property of importance for any aspect of its defence,

3. procures military manpower, materials, property or services for the enemy; or who

4. commits any another criminal act,

shall, if the criminal act is of a nature to cause considerable harm to any aspect of defence of the Realm or furnish the enemy with considerable assistance, be sentenced for *treason* to imprisonment for a fixed term of not less than four years and at most ten years, or for life. (Law 1986:645)

#### *Section 2*

If an act described in Section 1 is such that it is likely only to a lesser extent to cause harm to any aspect of defence or consists of furnishing the enemy with assistance of less consequence than is described in that Section, the accused shall be sentenced for *treachery* to imprisonment for at most six years. (Law 1986:645)

#### *Section 3*

A person who through negligence commits an act described in Section 1 or 2 shall be sentenced for *negligence harmful to the country* to imprisonment for at most four years. (Law 1986:645)

#### *Section 4*

If an act described in Sections 1-3 consists of procuring materials, property or services for the enemy in an area occupied by the enemy, and if, having regard to the needs of the population or the sustenance of the perpetrator or other special circumstances, the act cannot be regarded as improper, punishment shall not be imposed. (Law 1986:645)

#### *Section 5*

A person who, when the Realm is at war, spreads or causes to spread false rumours or other untrue assertions of nature to imperil the security of the Realm among the public, or conveys or causes such false rumours or other untrue assertions to be conveyed to the enemy, shall be sentenced for *spreading rumours endangering the security of the Realm* to a fine or imprisonment for at most two years.

The above provision shall also apply if a person, when the Realm is at war, spreads false rumours or other untrue assertions of a nature to foster disloyalty or dispiritedness among members of the armed forces. (Law 1986:645)

#### *Section 6*

A person guilty of a serious violation of a treaty or agreement with a foreign power or an infraction of a generally recognised principle or tenet relating to international humanitarian Law concerning armed conflicts shall be sentenced for *crime against international Law* to imprisonment for at most four years. Serious violations shall be understood to include:

1. use of any weapon prohibited by international law,
2. misuse of the insignia of the United Nations or of insignia referred to in the Act on the Protection of Certain International Medical Insignia (Law 1953:771), parliamentary flags or other

internationally recognised insignia, or the killing or injuring of an opponent by means of some other form of treacherous behaviour,

3. attacks on civilians or on persons who are injured or disabled,

4. initiating an indiscriminate attack knowing that such attack will cause exceptionally heavy losses or damage to civilians or to civilian property,

5. initiating an attack against establishments or installations which enjoy special protection under international law,

6. occasioning severe suffering to persons enjoying special protection under international law; coercing prisoners of war or civilians to serve in the armed forces of their enemy or depriving civilians of their liberty in contravention of international law; and

7. arbitrarily and extensively damaging or appropriating property which enjoys special protection under international law in cases other than those described in points 1-6 above.

If the crime is gross, imprisonment for at most ten years, or for life shall be imposed. In assessing whether the crime is gross, special consideration shall be given to whether it comprised a large number of individual acts or whether a large number of persons were killed or injured, or whether the crime occasioned extensive loss of property.

If a crime against the international law has been committed by a member of the armed forces, his lawful superior shall also be sentenced in so far as he was able to foresee the crime but failed to perform his duty to prevent it. (Law 1994:1721)

#### *Section 6a*

A person who:

1. develops, produces or by other means acquires, stores or holds chemical weapons or directly or indirectly transfers chemical weapons to another person,

2. uses chemical weapons,

3. participates in military preparations for the use of chemical weapons, or

4. uses riot control materials as a means of warfare shall be sentenced, if the act is not regarded as a crime against international Law, for *unlawful handling of chemical weapons* to imprisonment for at most four years.

Chemical weapons in the first paragraph, points 1-3 means those weapons defined as such by the United Nations Convention on the Development, Production, Possession and Use of Chemical Weapons and their Destruction.

If the crime is gross, imprisonment for at most ten years, or for life, shall be imposed. In assessing whether the crime is gross special consideration shall be given to whether the act was likely essentially to contribute to the development, production or proliferation of chemical weapons or to their use against people. (Law 1994:119)

#### *Section 6 b*

A person who uses, develops, manufactures, acquires, possesses or transfers anti-personnel mines shall be sentenced for *unlawful dealings with mines* to imprisonment for at most four years unless the act is to be considered as a crime against international law.

The first paragraph applies only to mines referred to in the Convention of 18 September 1997 on the Prohibition of the Use, Storage, Production and Transfer of Anti-Personnel Mines, and on their Destruction.

Such dealing with mines as is allowed by the Convention referred to in the second paragraph shall not constitute a crime.

If the crime is gross a sentence of imprisonment shall be imposed for at most ten years or for life. In assessing whether the crime is gross special consideration shall be given to whether the act contributed essentially to the mines being used in a way that constituted a danger to the life and health of many persons. (Law 1998:1703)

*Section 6c*

A person who, contrary to the United Nations treaty on a complete prohibition of nuclear explosions, takes part in or in any other way collaborates in carrying out a nuclear weapons test or other form of nuclear explosion shall be sentenced for *carrying out an unlawful nuclear explosion* to imprisonment for at most four years, unless the act is considered to be against international law.

If the crime is gross, imprisonment shall be imposed for at most ten years or for life. In assessing if the crime is gross special consideration shall be given to whether the act was of great importance for a nuclear explosion or constituted a danger to many persons or to property of special importance. (Law 1998:1703. To enter into force at a time to be decided by the Government)

*Section 7*

Attempt, preparation or conspiracy to commit treason or treachery shall be adjudged under the provisions of Chapter 23. Conspiracy to commit such crimes shall also be understood to include communicating with the enemy with a view to preparing, enabling or facilitating the commission of the foregoing crimes. Preparation and conspiracy to commit such crimes at a time when the Realm is imperilled by war, occupation or other hostilities shall be punishable even though hostilities have not actually broken out.

A person who fails to reveal treason or treachery shall be punished in accordance with the provisions of Chapter 23. He shall be punishable even though he did not realise, but should have realised, that the crime was in process of being committed. (Law 1986:645. To be repealed at a time to be decided by the Government)

*Section 7*

Attempt, preparation or conspiracy to commit treason or treachery shall be adjudged under the provisions of Chapter 23. Conspiracy to

commit such crimes shall also be understood to include communicating with the enemy with a view to preparing, enabling or facilitating the commission of the foregoing crimes. Preparation and conspiracy to commit such crimes at a time when the Realm is imperilled by war, occupation or other hostilities shall be punishable even though hostilities have not actually broken out.

A person who fails to reveal treason or treachery shall be punished in accordance with the provisions of Chapter 23. He shall be punishable even though he did not realise, but should have realised, that the crime was in process of being committed.

Attempt or preparation to carry out an unlawful nuclear explosion shall be sentenced in accordance with the provisions of Chapter 23. (Law 1998:1703. To enter into force at a time to be decided by the Government)

#### *Section 8*

If, during the course of a war, a crime is committed by a person who had reason to assume that the act was permitted under the usages of war, the sentence imposed may be less severe than that prescribed for the crime in question. If the circumstances were especially extenuating, no punishment shall be imposed. (Law 1986:645)

#### *Section 9*

If a crime described in Chapter 21 or in this Chapter is committed against a State allied with the Realm, or against the armed forces of such State or against a member of its armed forces, the provisions of law on such acts against the Realm, its armed forces or members of its armed forces, shall be applicable. (Law 1986:645)

#### *Section 10*

If the Realm is in danger of war, or if there prevail such extraordinary circumstances as may have been provoked by a war

or by the danger of war involving the Realm, the Government may order that the provisions of Chapter 19 and this Chapter pertinent to the event of the Realm being at war shall be applicable. The Government shall revoke such an order when the aforesaid circumstances no longer obtain.

If the Realm is totally or partially occupied by a foreign power without there being military opposition, the provisions of the aforesaid Chapters and Chapter 21 on the defence of the Realm are applicable to resistance activities, and the provisions relating to the enemy are applicable to the occupying power. (Law 1986:645)

#### *Section 11*

Enemy in this Chapter is also to be understood as including a foreign power with which the Realm is not at war if there is a risk that the Realm will enter into war with that power. (Law 1986:645)



## Chapter 23

### On Attempt, Preparation, Conspiracy and Complicity

#### *Section 1*

A person who has begun to commit a crime without bringing it to completion, shall, in cases where specific provisions exist for the purpose, be sentenced for attempt to commit crime if there was a danger that the act would lead to the completion of the crime or such danger had been precluded only because of fortuitous circumstances.

Punishment for attempt shall be at most what is applicable to a completed crime and not less than imprisonment if the least punishment for the completed crime is imprisonment for two years or more.

#### *Section 2*

A person who, with the intention of committing or promoting a crime, presents or receives money or anything else as pre-payment or payment for the crime or who procures, constructs, gives, receives, keeps, conveys or engages in any other similar activity with poison, explosive, weapon, picklock, falsification tool or other such means, shall, in cases where specific provisions exist for the purpose, be sentenced for preparation of crime unless he is guilty of a completed crime or attempt.

In specially designated cases a sentence shall also be imposed for conspiracy. By conspiracy is meant that someone decides on the act in collusion with another as well as that someone undertakes or offers to execute it or seeks to incite another to do so.

Punishment imposed for preparation or conspiracy shall be less than the highest and may be less than the lowest limit applicable to the completed crime. No greater punishment than imprisonment for

two years may be imposed unless imprisonment for eight or more years can follow for the completed crime. Punishment shall not be imposed if the danger of the crime being completed was slight.

### *Section 3*

Responsibility for attempting, preparing or conspiring to commit a crime shall not exist if a person voluntarily, by breaking off the execution of the crime or otherwise, has prevented its completion. Even if the crime was completed, a person who has unlawfully had to do with means to that end may not be held criminally responsible for that reason if he has voluntarily prevented the criminal use of the means.

### *Section 4*

Punishment as provided for an act in this Code shall be imposed not only on the person who committed the act but also on anyone who furthered it by advice or deed. The same shall also apply to any other act punishable with imprisonment under another Law or statutory instrument.

A person who is not regarded as the perpetrator shall, if he induced another to commit the act, be sentenced for instigation of the crime and otherwise for aiding the crime.

Each accomplice shall be judged according to the intent or the negligence attributable to him. Punishments defined in law for the act of a manager, debtor or other person in a special position shall also be imposed on anyone who was an accomplice to the act of such person.

The provisions of this paragraph do not apply if the law provides otherwise in special cases. (Law 1994:458)

### *Section 5*

If someone has been induced to be an accomplice to crime by coercion, deceit or misuse of his youth, innocence or dependent status or has been an accomplice only to a minor extent, the punishment imposed may be less than that otherwise provided for the crime. Punishment shall not be imposed in petty cases. This also applies where the issue is one of imposing a punishment provided for a person in a special position on an accomplice.

### *Section 6*

A person who omits to report in time or otherwise to reveal a crime that is in process of being committed when this could have been done without danger to himself or to anyone in a close relationship to him, shall, in those cases where this has been covered by special provisions, be sentenced for failure to reveal the crime as is provided for a person who has been an accomplice to the crime to a minor extent only; however, in no case may a more severe punishment than imprisonment for two years be imposed. In cases subject to special provisions, the punishment for failure to reveal a crime in accordance with the present provision shall also be imposed on a person who did not realise that a crime was being committed but should have done so.

If parents, other persons bringing up a child, or guardians, in cases other than those described in the first paragraph, fail to prevent a person in their care or under their control from committing a crime when this could have been done without danger to themselves or to anyone in a close relationship to them and without reporting to some authority, punishment shall be imposed in accordance with the provisions of the first paragraph.

Failure to reveal or prevent a crime is not punishable unless the act in process of being committed has progressed so far that punishment can follow.

*Section 7*

Punishments provided in this Code for cases where someone procures a gain or appropriates something personally by crime shall be likewise imposed when someone intentionally procures a gain for or appropriates something for another person.

## Chapter 24

### On General Grounds for Exemption from Criminal Responsibility

#### *Section 1*

An act committed by a person in self-defence constitutes a crime only if, having regard to the nature of the aggression, the importance of its object and the circumstances in general, it is clearly unjustifiable.

A right to act in self-defence exists against,

1. an initiated or imminent criminal attack on a person or property,
2. a person who violently or by the threat of violence or in some other way obstructs the repossession of property when caught in the act,
3. a person who has unlawfully forced or is attempting to force entry into a room, house, yard or vessel, or
4. a person who refuses to leave a dwelling when ordered to do so. (Law 1994:458)

#### *Section 2*

If a person who is an inmate of a prison, is remanded in custody or is under arrest or otherwise deprived of liberty, escapes, or by violence or threat of violence offers resistance, or offers resistance in some other way to someone who is in charge of him and is responsible for seeing that he behaves, such force as is justifiable in view of the circumstances may be used to prevent the escape or to maintain order. This also applies if, in cases referred to in this paragraph, resistance is offered by someone other than those previously mentioned.

The right of a policeman and certain other personnel to use force is otherwise dealt with by provisions in the Police Act (1984:387). (Law 1994:458)

### *Section 3*

With mutiny or during combat, and also on occasions when a crime against military discipline results in a special danger, a military superior may, vis-à-vis a subordinate who is insubordinate, use the force necessary to secure obedience. (Law 1994:458)

### *Section 4*

An act by a person, in cases other than those described previously in this Chapter, if committed out of necessity, constitutes a crime only if it is indefensible having regard to the nature of the danger, the injury caused to another and to the circumstances in general.

Necessity exists when a danger threatens life, health, property or some other important interest protected by the law. (Law 1994:458)

### *Section 5*

If a person is empowered under Sections 1-4 of this Chapter or under Section 10 of the Police Act (1984:387) to commit an act which is otherwise subject to punishment, anyone who assists him is similarly entitled. (Law 1994:458)

### *Section 6*

If a person who, in a case where Sections 1-5 of this Chapter or Section 10 of the Police Act (1984:387) apply, has done more than is permitted, he shall nevertheless not be held responsible if the circumstances were such that he had difficulty in stopping to think. (Law 1994:458)

*Section 7*

An act committed by a person with the consent of some other person towards whom it is directed, constitutes a crime only if the act, having regard to the injury, violation or danger which it involved, its purpose, and other circumstances, is indefensible. (Law 1994:458)

*Section 8*

An act committed by a person on the order of someone to whom he owes obedience shall not result in his being liable to punishment, if in view of the nature of the obedience due, the nature of the act and the circumstances in general, it was his duty to obey the order. (Law 1994:458)

*Section 9*

An act committed by a person labouring under a misapprehension concerning its permissibility shall not result in his being liable to punishment if the mistake arose by reason of an error in the proclamation of the criminal provision or if, for other reasons, it was manifestly excusable. (Law 1994:458)

## **PART THREE**

### **ON SANCTIONS**

#### **Chapter 25**

##### **On Fines, etc.**

###### *Section 1*

Fines shall be imposed according to the provisions laid down for the crime in question as day-fines, summary fines or standardised fines. If a particular form of fine is not prescribed for the crime, fines shall be imposed as day-fines or, if the crime is punishable with less than thirty day-fines, as summary fines. (Law 1993:201)

###### *Section 2*

Day-fines shall be determined in number to at least thirty and at most one hundred and fifty.

Each day-fine shall be imposed as a fixed amount from thirty up to and including one thousand Swedish crowns, having regard to what is judged to be reasonable with account taken of the income, wealth, obligations to dependants and other economic circumstances of the accused. If special reasons exist, the amount of the day-fine may be adjusted.

The lowest amount for a day-fine is four hundred and fifty Swedish crowns. (Law 1991:240)

###### *Section 3*

Summary fines shall be imposed to an amount of at least one hundred Swedish crowns and at most two thousand Swedish



crowns. However, if a lower maximum amount is specially provided for, it shall be applicable. (Law 1991:240)

#### *Section 4*

Standardised fines are fines that, in accordance with what is provided for the crime, shall be determined according to a special basis of computation.

The lowest amount for a standardised fine is one hundred Swedish crowns. (Law 1991:240)

#### *Section 5*

Fines may be used as a consolidated punishment for several crimes, if fines can be imposed for each and every one of the crimes.

If special reasons exist, the court may impose summary fines for one or more crimes for which such sanction is prescribed and at the same time impose another form of fine for other criminality.

Consolidated fines may not be imposed for crime for which standardised fines or fines that may not be converted into imprisonment are prescribed. (Law 1991:240)

#### *Section 6*

Fines as a consolidated punishment for several crimes are imposed as day-fines, if any one of the crimes is punishable with a day-fine.

Day-fines as a consolidated punishment may be imposed up to a number of at most two hundred, and summary fines up to an amount of at most five thousand Swedish crowns.

If a certain minimum fine is prescribed for any one the crimes a lesser fine may not be imposed. (Law 1993:201)

#### *Section 7*

Fines accrue to the State. (Law 1991:240)

### *Section 8*

The provisions of the Enforcement of Fines Act (1979:189) regulate the collection and enforcement of fines.

Fines that are not paid may, unless otherwise provided, be converted into imprisonment for at least fourteen days and at most three months in accordance with the provisions of the Enforcement of Fines Act. (Law 1991:240)

### *Section 9*

With regard to a conditional fine imposed upon a person in a particular case by decision of a court or other public authority, Sections 7 and 8 shall be correspondingly applicable.

So far as other conditional fines are concerned, the provisions of this Chapter on fines shall be applicable. (Law 1991:240)

## Chapter 26

### On Imprisonment

#### *Section 1*

Imprisonment is imposed for a fixed term or for life in accordance with what is provided for the crime. A fixed term of imprisonment may not exceed ten years, unless otherwise provided in Section 2 or 3, nor be shorter than fourteen days. With a sentence to imprisonment combined with probation in accordance with Chapter 28, Section 3, the term of imprisonment shall be as there provided.

Separate provisions govern the use of imprisonment as a conversion punishment for the non-payment of fines. (Law 1981:331)

#### *Section 2*

Imprisonment may be imposed as a joint punishment for several crimes if imprisonment may be imposed for any one of the crimes.

Imprisonment for a fixed term may be imposed for longer than the severest of the punishments provided for the crimes but shall not exceed the sum total of the maximum terms that can be imposed for the individual crimes. Nor may it exceed the severest punishment that can be imposed by more than:

1. one year if the severest punishment provided is shorter than imprisonment for than four years,
2. two years if the severest punishment provided is imprisonment for four years or more but less than eight years; or
3. four years if the severest punishment provided is imprisonment for eight years or more.

With sentences imposed in accordance with the second paragraph, a fine shall be considered as corresponding to imprisonment for fourteen days.

Imprisonment for less than the longest of the minimum period provided for may not be imposed. (Law 1988:942)

### *Section 3*

A person who has been sentenced to imprisonment for at least two years and who, after the judgement has acquired final legal force, commits a crime for which the punishment is imprisonment for more than six years, may be sentenced for such relapse to imprisonment for a term which exceeds by four years the maximum punishment that can be imposed for the crime or, in the case of several crimes, the maximum punishment that can be imposed for the crimes under Section 2.

A crime committed by a person who has not attained the age of twenty-one may not constitute a ground for such extension of the term of imprisonment as is provided in the first paragraph.

A foreign judgement may be given the same effect as a Swedish judgement. (Law 1981:211)

### *Section 4*

Repealed (Law 1988:942)

### *Section 5*

A person sentenced to imprisonment shall, for the enforcement of the punishment, be taken into a prison unless otherwise provided. (Law 1998:604)

### *Section 6*

A person serving imprisonment for a fixed term shall, unless it follows otherwise from the second or third paragraph or by Section 7, be conditionally released when two-thirds of the sentence, but at least one month, has been served.

Conditional release may not, however, be granted with imprisonment imposed in accordance with the provisions of Chapter 28, Section 3, nor from imprisonment in conversion of a fine.

At the request of a sentenced person, conditional release may be delayed to a later time than that which follows from the provisions of the first paragraph or by Section 7. (Law 1998:604)

#### *Section 6a*

Repealed (Law 1998:604)

#### *Section 7*

If the sentenced person seriously violates the conditions for the serving of the sentence in a prison, the date for conditional release may be postponed.

Such a postponement may amount to at most fifteen days on each occasion of use.

In deciding on the question of postponement consideration shall be given to whether the infringement may or can have other negative consequences for the sentenced person. (Law 1998:604)

#### *Section 8*

If several sentences of imprisonment are being served concurrently, the combined terms of imprisonment shall be taken into consideration in applying Section 6. However, this does not apply to imprisonment imposed under Chapter 28, Section 3 or conversion imprisonment for non-payment of fines.

Time served shall also include the time during which the punishment is considered to be under enforcement by reason of an order of the court referred to in Chapter 33, Sections 5 or 6. (Law 1993:201)

### *Section 9*

The National Prison and Probation Administration decides on a delay in accordance with Section 6, third paragraph, and postponement of conditional release in accordance with Section 7.

The Government or an administration designated by the Government may provide that another prison and probation administration other than the National Prison and Probation Administration may decide on a delay or postponement of conditional release.

A decision on matters dealt with in the first paragraph shall take immediate effect unless otherwise provided. (Law 1998:604)

### *Section 10*

After conditional release there shall follow a probationary period corresponding to the remaining portion of the sentence, but of at least one year. (Law 1998:604)

### *Section 11*

In connection with a conditional release or at a later date, the decision may be taken that the conditionally released person shall be placed under supervision if this is considered necessary. Decisions concerning supervision are taken by a local prison and probation administration<sup>1</sup>. If such supervision has been ordered but found to be no longer required, a supervision board may decide that supervision be discontinued. Supervision shall cease without any special decision being taken after one year of the probationary

<sup>1</sup> The Swedish Prison and Probation Service consists of the central administration, regional prison and probation administrations and local prison and probation administrations. Each local prison and probation administration has its own chief whose task is to manage unified prison and probation activities. There are no chiefs of individual prisons or probation offices. (Translator's note).

period has elapsed unless other consequences follow from the provisions of Section 18. (Law 1998:604)

#### *Section 12*

Supervision and probation in general is carried out under the management of the local prison and probation administration. This administration also appoints a supervisor and, if necessary, may appoint one or more persons to assist in the supervision. (Law 1998:604)

#### *Section 13*

The conditionally released person, if under supervision, shall keep his supervisor informed of his residence, employment situation and other conditions of significance for the supervision, report to the supervisor when required to do so and in general maintain contact with the supervisor in conformity with the latter's instructions. To the extent that the local prison and probation administration so decides, the foregoing provisions on the supervisor shall also apply to an officer of the local prison and probation administration or other person. (Law 1998:604)

#### *Section 14*

During the probationary period the conditionally released person shall lead an orderly life, try to support himself to the best of his ability and otherwise observe what is required of him by this Code or through conditions made, or instructions given, with its support. He shall, when summoned, appear before the local prison and probation administration. If ordered to make compensation for damage caused by the crime, he shall make all possible efforts to meet this obligation.

When the conditionally released person is placed under supervision, the local prison and probation administration shall, through supervision and the provision of support and assistance,

seek to ensure that he does not relapse into crime and that his general adjustment in the community is promoted. To this end the local prison and probation authority shall keep itself continuously informed about the conduct of his life and his circumstances in general. (Law 1998:604)

### *Section 15*

If there is reason to suppose that, to facilitate his adjustment in the community, a conditionally released person needs the support of special conditions which must be observed during the probationary period, such conditions may be made for a stated period or until further notice. They may relate to:

1. place of residence or lodging for a stated period for at most one year at a time,
2. employment, other gainful occupation, education or training,
3. medical care, treatment for alcoholism or other care or treatment in or outside a hospital or other similar establishment.

If the conditionally released person is to undergo care or treatment under the first paragraph, point 3, it may be prescribed that he provide blood, urine and breath samples in order to monitor that he is not under the influence of dependency producing substances.

If the conditionally released person has been ordered to make compensation for damage caused by the crime, conditions may be made about the time and manner of meeting this obligation unless, in view of the conditionally released person's financial situation and other circumstances, such conditions may be presumed to counteract his adjustment in the community.

If the conditionally released person is under supervision, special instructions may be given about its conditions. They may specify the way in which and to what extent the conditionally released person shall maintain contact with the supervisor or the local prison and probation administration. They may also prescribe an obligation for the conditionally released person to notify the supervisor or the local prison and probation administration of



absence from the place of work, school or other occupation or institution referred to in the conditions. (Law 1998:604)

#### *Section 16*

Instructions in accordance with Section 15 shall be given by a supervision board. The local prison and probation administration may give such instructions *pro tempore* until the board has made its decision on the matter.

If the progress and other personal circumstances of the conditionally released person warrant it, the supervision board may change or cancel a given condition or make a new condition. (Law 1998:604)

#### *Section 17*

Instructions concerning the carrying out of a condition referred to in Section 15 may be given by the supervisor, who may also allow a temporary easement of, and make any urgently needed adjustment.

#### *Section 18*

If the conditionally released person does not comply with what is required of him by this Code or with conditions or instructions issued with its support, the supervision board, in addition to making conditions in accordance with Section 15 or deciding on a matter described in Chapter 37, Section 7, first paragraph, may:

1. decide that a warning be given to the conditionally released person or
2. decide on supervision of the conditionally released person for a stated period after the one-year probationary period has elapsed, but at the most until the expiry of the probationary period. (Law 1983:240)

### *Section 19*

If a conditionally released person has seriously disregarded his obligations and if it may be presumed that he will not allow himself be corrected by any measure that the supervision board may take, the board may declare the conditionally granted liberty forfeited for up to a period of fifteen days on each occasion. (Law 1998:604)

### *Section 20*

A decision concerning a measure described in Section 18 may not be made after the expiry of the probationary period. A decision concerning a measure referred to in Section 19 may be made even after the expiry of the probationary period provided that the supervision board has taken up the question prior thereto. (Law 1973:918)

### *Section 21*

The question of forfeiture of conditionally granted liberty and on the imposition of certain other measures when the person sentenced to imprisonment is found to have committed a further offence, is regulated by the provisions of Chapter 34.

### *Section 22*

If the question arises of declaring a conditionally granted liberty forfeited or taking a measure described in Section 18 or a measure requiring the conditionally released person to go into care or treatment, or if the conditionally released person has eluded supervision, the supervision board may, if the circumstances warrant it, order that the conditionally released person be appropriately taken in charge until a further decision has been taken. Such a decision shall be reconsidered as often as there is reason to do so.

A person so detained may not be held longer than a week. However, if strong reasons so dictate, a new order for his detention for at most an additional week may be made. He may not be kept in detention after the expiry of the probationary period. (Law 1983:240)

*Section 23*

If conditionally granted liberty is declared wholly or partially forfeited, the period forfeited shall be regarded as a new punishment imposed by a sentence for the purpose of considering a further conditional release. (Law 1983:240)

*Section 24*

When conditionally granted liberty can no longer be declared forfeited, the punishment shall be considered fully served on expiration of the probationary period.

## Chapter 27

### On Conditional Sentence

#### *Section 1*

A conditional sentence may be imposed by a court for a crime for which the sanction of a fine is considered inadequate. (Law 1988:942)

#### *Section 2*

A conditional sentence may be combined with day-fines, at most two hundred, regardless of whether a fine is prescribed for the crime or not. (Law 1991:240).

#### *Section 2 a*

A conditional sentence may, if the accused consents, be combined with a condition of community service. Such a condition shall prescribe an obligation to carry out unpaid work for at least forty hours and at most two hundred and forty hours.

When the court decides on a condition of community service it shall state in its judgement what length of imprisonment would have been imposed if imprisonment has been chosen as the sanction.

Where there is reason to do so, a condition of community service may be modified or ended at the request of a prosecutor. (Law 1998:604)

#### *Section 3*

A person who receives a conditional sentence shall be subject to a probationary period of two years.

The probationary period begins on the day when the decision of the court on the sanction for the crime has acquired final legal force

in respect of the sentenced person, whether by declaration of satisfaction with the decision or otherwise.

#### *Section 4*

During the probationary period the offender shall lead an orderly life and seek to support himself to the best of his ability.

If the conditional sentence has been combined with community service, the sentenced person shall carry out the community service in accordance with the plan of work that has been drawn up by the local prison and probation administration. (Law 1998:604)

#### *Section 5*

If the offender has been enjoined to make compensation for damage caused by his crime, he shall do what lies in his ability to meet this obligation. The court may direct that, during the probationary period, he shall, at times and in a manner stated in the sentence, seek to meet his obligation to pay damages in whole or in part.

If the crime has occasioned damage to property and it is considered suitable for the promotion of the offender's adjustment to society, the court may direct that the offender, at the times and in the manner stated in the judgement, assist the injured party in such work as may help to repair or contain the damage, or which, having regard to the nature of the crime and the damage caused, may otherwise appear suitable. Such a condition may be only be made with the consent of the injured party.

A condition made under the first or second paragraphs may be amended or cancelled following application by the prosecutor or offender. (Law 1987:761)

### *Section 6*

If the offender does not comply with what is required of him by the conditional sentence, the court may, if the prosecutor proceeds in the matter before the expiry of the probationary period, and having regard to the circumstances;

1. decide that the offender be given a warning,
2. make a condition in accordance with Section 5 or change a condition previously issued,
3. revoke the conditional sentence and decide on another sanction for the crime.

A measure described in point 1 or 2 above may not be taken after the expiry of the probationary period.

If the conditional sentence is revoked, equitable consideration shall be given, in deciding on the sanction, to the fine which was imposed in accordance with Section 2 and Chapter 34, Section 5 together with what the sentenced person has undergone in consequence of the condition of community service. In this connection, imprisonment may be imposed for a shorter time than is prescribed for the crime. If the information referred to in Section 2a has been stated in the judgement, this shall be taken into consideration, if imprisonment is imposed, when deciding on the length of sentence. (Law 1998:604)

### *Section 7*

Chapter 34 contains provisions concerning the revocation of a conditional sentence and certain other measures when the offender is found to have committed another crime.

## Chapter 28

### On Probation

#### *Section 1*

A sentence of probation may be imposed for a crime for which the sanction of a fine is considered inadequate. (Law 1988:942)

#### *Section 2*

Probation may be combined with day-fines, at most two hundred, regardless of whether a fine is prescribed for the crime or not. (Law 1991:240)

#### *Section 2a*

Probation may be combined, if the accused consents, with a condition of community service. Such a condition shall prescribe an obligation to carry out unpaid work for at least forty hours and at most two hundred and forty hours.

When the court decides on a condition of community service it shall state in its judgement what length of imprisonment would have been imposed if imprisonment has been chosen as the sanction.

Where there is reason to do so, a condition of community service may be modified or ended by a supervision board. (Law 1998:604)

#### *Section 3*

Probation may be combined with imprisonment for at least fourteen days and at most three months.

If the court imposes imprisonment and probation, it shall not impose a fine in accordance with Section 2 or a condition of community service.

The court may order the commencement of a sentence of imprisonment if the circumstances call for this course of action notwithstanding the fact that the judgement has not acquired final legal force. (Law1998:604)

#### *Section 4*

Probation shall continue for a probationary period of three years from the date on which the implementation of the sanction commences. (Law 1983:240)

#### *Section 5*

Probation shall be combined with supervision from the date of the sentence. The court may, however, direct that the supervision be deferred until the sentence has acquired final legal force against the sentenced person. If the sentence is appealed against, a higher court may direct that further implementation shall not occur.

Supervision shall be discontinued without any special order after one year of the probationary period has elapsed unless another outcome is entailed as a consequence of the fourth paragraph or Section 5a, 7 or 9.

If implementation has been interrupted by decision of a higher court but the accused is nevertheless thereafter sentenced to probation, the period during which implementation did not take place shall not be counted in the probationary period or in the period stated in the second paragraph.

If probation has been combined with a planned treatment which the offender has undertaken to follow, the court, may order in the sentence that the period of supervision be longer than that prescribed in the second paragraph. Such a period shall not, however, be longer than the time required for completion of the treatment and shall not exceed the probationary period. (Law 1987:761)



*Section 5a*

If the conditional sentence has been combined with community service, the sentenced person shall carry out the community service in accordance with the plan of work that has been drawn up by the local prison and probation administration.

If it appears necessary that the sentenced person shall be under supervision until the community service has been completed, a supervision board may decide on such supervision for a certain period after one year of the probationary period has elapsed, but for not longer than the end of the probationary period. (Law 1998:604)

*Section 6*

The provisions of Chapter 26, Sections 12-17, shall be applicable in corresponding fashion to a person sentenced to probation. The court shall, however, appoint a supervisor in its judgement unless special reasons argue against. In addition, the court may also impose conditions in accordance with the provisions of Chapter 26, Section 15, first to third paragraphs and Chapter 27, Section 5, second paragraph. The supervision board may amend or terminate conditions of the latter kind if there are reasons for so doing. (Law 1993:209)

*Section 6a*

In cases covered by Chapter 30, Section 9, second paragraph, point 3, the court shall, if the planned treatment is of decisive importance for the decision to sentence to probation, state in its judgement what would have been the length of imprisonment had imprisonment been chosen as the sanction.

In addition, in such cases, the judgement shall always state the conditions applicable to the treatment plan that the probationer has undertaken to follow.

In connection with such a treatment plan, a condition may be imposed that whoever is responsible for the treatment shall report to

the local prison and probation administration and a public prosecutor if the probationer seriously neglects the obligations stated in. (Law 1998:604)

#### *Section 6b*

In a case falling under Section 6a, the court may order that the person sentenced, if remanded in custody in connection with the trial, shall instead be appropriately detained until he has been transferred to the treatment establishment or person providing the treatment stated in the treatment plan. The taking in charge may not last longer than one week. (Law 1992:373)

#### *Section 7*

If the probationer does not comply with the obligations entailed by the sentence to probation, the supervision board may, in addition to imposing conditions in accordance with Chapter 26, Section 15, or taking a decision on a matter described in Chapter 37, Section 7, first paragraph:

1. decide that a warning be given to the probationer or
2. decide that the probationer shall continue under supervision for a given period after one year of the probationary period has elapsed, but not for longer than at most the time for of the expiry of the probationary period.

If supervision has been ordered under the first paragraph, point 2, but is deemed to be no longer required, the supervision board may direct that supervision is to be discontinued. The same shall apply if the court, in accordance with the provisions of Chapter 34, Section 6, has ordered supervision and this has been in operation for a period of one year.

The supervision board may not order the measures mentioned in the first paragraph of this Section after the expiry of the probationary period. (Law 1988:942)

### *Section 8*

If the sentenced person seriously neglects his obligations and it can be presumed that the measures which can be taken by the supervision board will have no effect, the board shall request the prosecutor to bring the matter before a court and demand that the probation order be revoked. The matter may also be brought before a court without a request from the board if the probationer, in a case subject to the provisions of Section 6a, first paragraph, seriously neglects the obligations incumbent upon him in accordance with the treatment plan.

The court proceedings mentioned in this Section shall be instituted before the expiry of the probationary period. (Law 1988:942)

### *Section 9*

If the probation order is revoked, the court shall decide on another sanction for the crime, and in doing so shall take due account of what the sentence to probation has entailed for the probationer and to any fine or imprisonment imposed in accordance with the provisions of Sections 2 or 3 or Chapter 34, Section 6. In such cases, the court may impose a shorter imprisonment than that prescribed for the crime in question. If the information referred to in Section 2a, second paragraph or Section 6a, first paragraph, has been stated in the judgement, and if imprisonment is to be imposed, due account shall be taken of that information when deciding on its length.

If adequate reasons for the revocation of probation are not present, the court may instead decide on a measure described in Section 7. Such a measure may not be decided on after the expiry of the probationary period. (Law 1998:604)

*Section 10*

Chapter 34 contains provisions on the revocation of probation and certain other measures when the probationer is found to have committed another crime.

*Section 11*

If the question of revocation of probation arises, or the taking of a measure described in Section 7, or a measure so that the probationer may be taken into care or enter treatment, or if the probationer has eluded supervision, the supervision board or the court before which proceedings have been instituted in accordance with Section 8 may, if the circumstances warrant it, order that the probationer be appropriately detained while awaiting a further decision. Such a decision shall be reviewed as often as there is reason to do so.

No person thus detained may be held for longer than one week. If, however, there are exceptional grounds, he may be further detained for at most one week by a new decision.

If the probationer is detained when the court takes the decision to revoke the sentence of probation, it may order that he remain in such detention until its decision acquires final legal force.

The probationer may not be held after the expiry of the probationary period. (Law 1987:761)

## Chapter 29

### On the Determination of Punishment and Exemption from Sanction

#### *Section 1*

Punishments shall, with due regard to the need for consistency in sentencing, be determined within the scale of punishments according to the penal value of the crime or crimes taken.

In assessing the penal value, special consideration shall be given to the damage, wrong or danger occasioned by the criminal act, to what the accused realised or should have realised about this, and to the intentions or motives he may have had. (Law 1988:942)

#### *Section 2*

In assessing penal value, the following aggravating circumstances shall be given special consideration in addition to what is applicable to each and every type of crime:

1. whether the accused intended that the crime should have markedly more serious consequences than it in fact had,
2. whether the accused manifested especial ruthlessness,
3. whether the accused exploited some other person's vulnerable position or that person's special difficulties in protecting himself,
4. whether the accused grossly exploited his position or otherwise abused a special confidence or trust,
5. whether the accused induced another person to take part in the crime by coercion, deceit or misuse of that person's youthfulness, lack of understanding or dependent status, or
6. whether the crime was part of a criminal activity which was especially carefully planned or carried out on a large scale and in which the accused had a significant role, or
7. whether a motive for the crime was to aggrieve a person, ethnic group or some other similar group of people by reason of

race, colour, national or ethnic origin, religious belief or other similar circumstance. (Law 1994:306)

### *Section 3*

In assessing penal value, the following mitigating circumstances shall be given special consideration in addition to what is prescribed elsewhere, if, in a particular case:

1. the crime was occasioned by the grossly offensive behaviour of some other person,
2. the accused, in consequence of a mental disturbance or emotional excitement, or for some other cause, had a markedly diminished capacity to control his actions,
3. the actions of the accused were connected with his manifestly deficient development, experience or capacity for judgement,
4. the crime was occasioned by strong human compassion or
5. the act, without being free from criminal responsibility, was such as is covered by Chapter 24.

The sentence imposed may be less severe than that prescribed for the crime in question if this is called for having regard to the penal value of the crime. (Law 1994:458)

### *Section 4*

In determining the appropriate punishment, the court, if sufficient consideration cannot be given to the circumstances through choice of sanction or forfeiture of conditionally granted liberty, shall, besides the penal value of the crime, take reasonable account of whether the accused has previously been guilty of crime. In this connection, special consideration shall be given to the extent of any previous criminality, to the time that has elapsed between the crimes, and to whether the previous and the new criminality are similar in nature or whether in both cases they are of an especially serious character.

*Section 5*

In determining the appropriate punishment, the court shall, besides the penal value of the crime, give reasonable consideration to:

1. whether the accused has suffered severe bodily harm as a result of the crime,
2. whether the accused to the best of his ability has attempted to prevent, remedy or limit the harmful consequences of the crime,
3. whether the accused gave himself up,
4. whether the accused would suffer harm through expulsion by reason of the crime from the Realm,
5. whether the accused, as a result of the crime, has suffered, or there is good reason to suppose that he will suffer, dismissal from, or termination of, employment, or will encounter any other obstacle or special difficulty in the pursuit of his occupation or business,
6. whether the accused, in consequence of advanced age or ill health, would suffer unreasonable hardship by a punishment imposed in accordance with the penal value of the crime,
7. whether, having regard to the nature of the crime, an unusually long time has elapsed since its commission or
8. whether there exists any other circumstance that calls for a lesser punishment than that warranted by the penal value of the crime.

If any circumstance covered by the first paragraph exists, the court may, if there are special grounds for so doing, impose a less severe punishment than that prescribed for the crime.

*Section 6*

If, in view of a circumstance described in Section 5 it is manifestly unreasonable to impose a sanction, the court shall grant exemption from sanction.

*Section 7*

If a person commits a crime before attaining the age of twenty-one, special consideration shall be given to his youth in determining the punishment. A milder punishment than that prescribed for the crime may be imposed in such cases. No person shall be sentenced to life imprisonment for a crime committed before attaining the age of twenty-one.



## Chapter 30

### On Choice of Sanction

#### *Section 1*

In choosing a sanction, imprisonment shall be considered a more severe sanction than conditional sentence or probation.

Provisions on the sanction of special care are set out in Chapter 31.

#### *Section 2*

Unless other provisions are applicable, no person shall be sentenced to more than one sanction for the same crime. (Law 1988:942)

#### *Section 3*

If a person is sentenced for more than one crime, the court shall impose a joint sanction for the crimes in question unless other provisions are applicable.

If there are special grounds for so doing, the court may impose a sentence of a fine for one or more crimes and, at the same time, impose another sanction for any remaining crime or crimes. In addition, the court may impose imprisonment for one or more crimes at the same time as it imposes a conditional sentence or probation for any remaining crime or crimes. (Law 1988:942)

#### *Section 4*

In choosing a sanction, the court shall pay special attention to any circumstance or circumstances that argue for the imposition of a less severe punishment than imprisonment. In this connection, the court shall consider such circumstances as are mentioned in Chapter 29, Section 5.

As a reason for imprisonment, the court may take into account, besides the penal value and nature of the crime or crimes, the fact that the accused has previously been guilty of committing a crime or crimes. (Law 1988:942)

#### *Section 5*

If a crime has been committed by a person who has not attained the age of eighteen, the court may impose imprisonment only if there are extraordinary reasons for so doing. It follows from the provisions of Chapter 31, Section 1a, that the court shall in the first place sentence to closed juvenile care<sup>2</sup>.

If a person who has attained the age of eighteen but not twenty-one has committed a crime, the court may impose imprisonment only if, in view of the penal value of the crime or other special reasons, this course of action is justified. (Law 1998:604)

#### *Section 6*

A person who commits a crime under the influence of a serious mental disturbance may not be sentenced to imprisonment. If, in such a case the court also considers that no other sanction should be imposed, the accused shall go free from sanction. (Law 1991:1138)

#### *Section 7*

In choosing a sanction, the court shall consider, as a motive for imposing a conditional sentence, whether there is an absence of reason to fear that the accused will be guilty of continued criminality.

As a special reason for imposing a conditional sentence instead of imprisonment, the court may consider that the sentence shall be combined with a condition of community service if the accused is willing to accept such a condition, and that such a condition is

<sup>2</sup> Closed juvenile care has elsewhere been translated as "institutional treatment for young offenders" (Translator's note).

appropriate having regard to the accused as person and the circumstances in general.(Law 1988:942)

### *Section 8*

A conditional sentence shall be combined with a day-fine unless a fine, having regard to an obligation to undertake community service or other consequences of the crime, would occasion the accused undue hardship, or unless there are other special grounds for not imposing a fine. (Law 1998:604)

### *Section 9*

In choosing a sanction, the court shall, as a reason for imposing probation, give consideration to whether such a sanction can contribute to the accused refraining from continued criminality.

As special grounds for probation, the court may consider:

1. whether a manifest improvement has occurred in the personal or social situation of the accused in some respect that may be presumed to have a bearing on his criminality,
2. whether the accused is undergoing treatment for misuse of a dependency producing substance or other condition that may be presumed to have a bearing on his criminality, or
3. whether the misuse of a dependency producing substance, or some other special circumstance necessitating essential care or other treatment, contributed to the commission of the crime and the accused declares himself willing to undertake treatment in accordance with a personal plan that can be realised in conjunction with the implementation of the sanction, or
4. whether the accused is willing for the probation to be combined with a condition of community service, and that such a condition is appropriate having regard to the accused as person and the circumstances in general. (Law 1998:604)

*Section 10*

In assessing whether probation should be combined with day-fines, the court shall consider whether this is called for having regard to the penal value or nature of the crime or the previous criminality of the accused. (Law 1988:942)

*Section 11*

Probation may be combined with imprisonment only if this is unavoidably called for having regard to the penal value of the crime or the previous criminality of the accused. (Law 1988:942)

## Chapter 31

### On Committal to Special Care

#### *Section 1*

If a person being under the age of twenty-one and having committed a criminal act, can be made subject to treatment or other measure under the Social Services Act (1980:620) or the Care of Young Persons Special Provisions Act (1990:52), the court may commit the case to the social welfare board to make arrangements for the necessary treatment by the social welfare services in accordance with a treatment plan prepared by the board for the accused. Committal may only take place if the planned measures of the social welfare services, combined if necessary with a fine or youth service in accordance with the third paragraph below, can be considered sufficiently interventional having regard to the penal value and nature of the crime and the previous criminality of the accused.

If it appears from the treatment plan that the accused shall be subject to treatment or some other measure based on the provisions of the law on social welfare service, the court shall issue an order that he shall undertake such treatment or be subject to the measure.

If the penal value or nature of the criminal act, or the previous criminality of the accused, so requires, the court may combine committal for treatment by the social welfare services, with:

1. day-fines up to a maximum of two hundred regardless of whether a fine is the punishment provided for the crime in question or not.
2. a special condition that the accused shall carry out unpaid work or take part in some other specially arranged activity (youth service) for at least twenty hours and at most one hundred hours providing that the accused agrees.

Where there is reason to do so, a condition of youth service may be modified or ended at the request of a prosecutor.

If the crime has occasioned damage to property, the court, in connection with committal to treatment in accordance with the first paragraph, may direct, if it is suitable for the promotion of the sentenced person's adjustment in the community, that he shall, at times and in the manner stated in the sentence, assist the injured party with such work as may help to repair or limit the damage or otherwise appears appropriate having regard to the nature of the crime and the damage caused. Such an order may be made only with the consent of the injured party. (Law 1998:604)

#### *Section 1a*

If a person has committed crime before attaining the age of eighteen, and if the court finds in application of Chapter 30 that the sanction should be imprisonment, it shall instead decide on the sanction of closed juvenile care for a certain period. This shall not apply, however, if, having regard to the age of the accused at the time of prosecution or other circumstance, special reasons argue against this course of action.

The court may impose closed juvenile care for at least fourteen days and at most four years.

Provisions on the enforcement of closed juvenile care are contained in the Act (1998:603) on the Enforcement of Closed Juvenile Care. (Law 1998:604)

#### *Section 2*

If a person who has committed a crime can be made subject to treatment under the Act on the Treatment of Drug Misusers (1988:870), the court may hand the case over to the social welfare committee or, if the person in question has already been admitted to an institution where such treatment is provided, to the board of such an institution, to arrange the necessary treatment. The social welfare committee or institutional board shall be consulted before the court takes its decision.

If the punishment provided for the crime is more severe than imprisonment for one year, a committal for institutional treatment in accordance with the first paragraph shall be ordered only if there are special grounds for so doing. (Law 1994:97)

### *Section 3*

If a person who has committed a crime for which the sanction cannot be limited to a fine, suffers from a serious mental disturbance, the court may commit him for forensic psychiatric care if, having regard to his mental condition and personal circumstances, admission to an institution for psychiatric care combined with deprivation of liberty and other coercive measures, is called for.

If the crime has been committed under the influence of a serious mental disturbance, the court may decide that a special release inquiry under the Act on Forensic Psychiatric Care (1991:1129) shall be conducted during the time in care if there is risk for relapse into serious criminality of a serious kind by reason of the mental disturbance.

The court may, in conjunction with a committal to forensic psychiatric care impose another sanction, but not imprisonment or committal for other special care, if this is called for having regard to the previous criminality of the accused or for other special reasons. (Law 1991:1138)

### *Section 4*

Repealed (Law 1991:1138)

## **Chapter 32**

**Repealed (Law 1986:645)**



## Chapter 33

### On Deduction of Period of Arrest and Remand in Custody

#### *Section 1*

Repealed (Law 1988:42)

#### *Section 2*

Repealed (Law 1988:942)

#### *Section 3*

Repealed (Law 1973:43)

#### *Section 4*

Repealed (Law 1988:942)

#### *Section 5*

If a person sentenced to imprisonment for a fixed term or to closed juvenile care, or if the court orders, in conformity with Chapter 34, Section 1, that such sanction shall cover further crimes, and if the sentenced person has been deprived of liberty through arrest, remand in custody or admission to a forensic psychiatry unit under Section 10 of the Forensic Psychiatric Examinations Act (1991:1137) for at least twenty-four hours by reason of being suspected of a crime that has been tried and subject to sentence, the period of such deprivation of liberty, insofar as enforcement of another sentence has not proceeded simultaneously, shall be considered as time served in prison or in a special youth institution in consequence of the sentence imposed. The court shall state the

number of days to be considered as served in its judgement. If the time by which the sentence of imprisonment exceeds the period of deprivation of liberty is small, the court may direct that the term of imprisonment shall be considered to have been served in full as a result of the deprivation of liberty.

If a conditional sentence or a sentence of probation is revoked and imprisonment for a fixed period is imposed instead, then insofar as the deduction provided for in the first or third paragraphs has not been made, the provisions of the first paragraph shall also be applicable to:

1. deprivation of liberty preceding the conditional sentence or the sentence to probation,
2. deprivation of liberty preceding a judgement directing that the conditional sentence or sentence to imprisonment shall include further crimes, and to
3. any detention provided for in Chapter 28, Section 6 b or Section 11, third paragraph.

If a person is sentenced to a fine and has been deprived of liberty in the manner described in the first paragraph by reason of being suspected of a crime that has been subject to sentence, the court may direct that the sentence has been enforced in full or in part as a result of the deprivation of liberty. (Law 1998:604)

#### *Section 6*

The provisions of Section 5 on taking account of a period of deprivation of liberty as time reckoned for the enforcement of a sentence may also be applied to the extent found to be reasonable to a deprivation of liberty which took place outside the Realm.

#### *Section 7*

Repealed (Law 1987:761)

*Section 8*

In trial by a higher court of an appeal concerning the imposition of a sanction, a decision on a question dealt with in Sections 5 and 6 may be amended even though no appeal has been lodged against such decision. (Law 1988:942)

*Section 9*

Repealed (Law 1988:942)

## Chapter 34

### Certain Provisions on Concurrence of Crimes and Change of Sanction

#### *Section 1*

If a person who has been sentenced for a crime to imprisonment, conditional sentence, probation or closed juvenile care is found to have committed another crime prior to the sentence, or commits a new crime subsequent to the sentence but before the sanction has been fully implemented or has been otherwise terminated, the court may, with due regard to what is provided in Sections 2-7 concerning certain cases, and the particular circumstances:

1. order that the earlier sanction imposed shall also apply to the second crime,
2. sentence separately to a sanction for that crime, or,
3. if the earlier sentence has acquired final legal force, revoke the sanction imposed by it and impose a different kind of sanction for the crimes.

If probation has been combined with imprisonment in accordance with the provisions of Chapter 28, Section 3, the imprisonment so imposed shall be considered to be a part of the probation when applying the provisions of this Chapter. (Law 1998:604)

#### *Section 2*

If the offender is serving life imprisonment, only an order in accordance with Section 1, point 1 may be made.

### *Section 3*

If the prior sentence to imprisonment is for a fixed term, an order in accordance with Section 1, point 1 may be made only if it is obvious that, so far as a sanction is concerned, the new crime compared with the earlier one is of no appreciable importance, or else that there are extraordinary reasons for so doing.

If in applying Section 1, point 2 a punishment is imposed for a crime committed before the implementation of the earlier sentence has begun, all possible care shall be taken when determining the punishment that the combined punishments do not exceed what could have been imposed for the two crimes under the provisions of Chapter 26, Section 2, and in so doing a less severe punishment than that provided for the crime may be imposed.

The revocation of imprisonment in conformity with Section 1 point 3 may occur only if judgement is pronounced before the punishment has been fully enforced.

### *Section 4*

If Section 1, points 1 or 2 are applied with respect to a person conditionally released from imprisonment, the conditionally granted liberty or part thereof shall be declared forfeited if the crime was committed during the probationary period if no special reasons argue against.

The court may consider as special reasons for not declaring the conditionally granted liberty forfeited or declaring only a portion forfeited:

- 1 whether the new criminality when compared with the earlier criminality is of lesser character;
- 2 whether a long time has elapsed between the crimes, or
- 3 whether a forfeiture appears unreasonable.

Should forfeiture not be declared in accordance with the first paragraph, the court may decide on a measure provided for under Chapter 26, Section 18 or prolong the probationary period by at most one year beyond the time that follows from the provisions of Chapter 26, Section 10.

A measure in accordance with the third paragraph may be decided on only before the end of the probationary period. Forfeiture may be decided on only where the question arises in connection with a case in which the conditionally released person has been remanded in custody or received notice of prosecution within one year from the end of the probationary period. (Law 1998:604)

### *Section 5*

If the sanction previously imposed is a conditional sentence, an order in accordance with Section 1, point 1, may be made only for crime committed before the beginning of the probationary period.

If an order is made under Section 1, point 1, the court may, if the penal value or nature of the new crime or crimes so requires, also impose day-fines, at most two hundred, whether a fine is provided for the crime or not.

If it is necessary for the court to be able to make use of Section 1, point 1 instead of revoking the conditional sentence in accordance with Section 1, point 3 and sentence to imprisonment, the court may, if such special reasons exist as are given in Chapter 30, Section 7, decide that the conditional sentence shall be combined with an order on community service. If such a condition is ordered, the court shall apply the provisions of Chapter 27, Section 2 a, second paragraph.

If Section 1 point 1 or 2 is applied, the court may decide on a measure in accordance with Chapter 27, Section 6, point 1 or 2, or prolong the probationary period to three years, although this can only be done if the sentenced person has been remanded in custody or received notice of prosecution before the end of the probationary period.

If a conditional sentence is revoked in accordance in accordance with the provisions of Section 1, point 3, the court, when deciding on a new sanction, shall take reasonable account of any fines that have been imposed in accordance with the second paragraph or Chapter 27, Section 2, as well as the consequences for the sentenced

person as a result of the order on community service. In consequence thereof the court may sentence to a shorter imprisonment than is prescribed for the crime. If the information provided for in Chapter 27, Section 2, second paragraph has been given, the court shall take this into consideration when the length of sentence is decided upon.

A conditional sentence may be revoked in accordance with Section 1, point 3 only if the question arises in connection with a case in which the sentenced person has been remanded in custody or received notice of prosecution within one year from the end of the probationary period. (Law 1998: 604).

### *Section 6*

If the sanction previously imposed was probation, the court may, in applying the provisions of Section 1, point 1, and if the penal value or nature of the new crime, or the offender's previous criminality so require, also sentence to day-fines, at most two hundred, regardless of whether a fine is the prescribed punishment for the crime in question or not.

If it is necessary for the court to be able to make use of Section 1, point 1 instead of revoking the probation in accordance with Section 1, point 3 and sentence to imprisonment, the court may, if such special reasons exist as are given in Chapter 30, Section 9, second paragraph point 4, decide that the probation shall be combined with an order on community service. If such a condition is ordered, the court shall apply the provisions of Chapter 28, Section 2a, second paragraph.

If imprisonment is the punishment provided for the new crime, and if, having regard to the provisions of Chapter 30, Section 11, the provisions of Section 1, point 1 cannot be applied unless such an order be combined with deprivation of liberty, the court may, instead of sentencing to a fine, impose imprisonment in accordance with the provisions of Chapter 28, Section 3.

If the provisions of Section 1, point 1 or 2 are applied, the court may decide on a measure provided for in Chapter 28, Section 9, or

prolong the probationary period for at most five years. If the sentenced person has undertaken to follow a treatment plan in accordance with the provisions of Chapter 30, Section 9, second paragraph, point 3, the provisions of Chapter 28, Section 6a, shall be applied.

If the accused is sentenced to imprisonment under the provisions of Section 1, point 3, the court, when deciding on the length of the punishment, shall make reasonable allowance for what he may have undergone in consequence of the sentence to probation and to the time served of any imprisonment to which he was sentenced under the first paragraph of this Section or Chapter 28, Section 3, and to any fine to which he may have been sentenced under the provisions of the first paragraph of this Section or of Chapter 28, Section 2. In cases here described, imprisonment may be imposed for a shorter period than is provided for the crime. If the information described in Chapter 28, Section 6 a, first paragraph, has been stated in the sentence, due regard shall be paid to this when deciding on the length of the punishment if imprisonment is imposed.

A sentence to imprisonment under the provisions of the third paragraph may not be imposed, nor may a decision under the provisions of the second paragraph, a decision under the provisions of the fourth paragraph or a decision on revocation of probation, be taken other than in a case in which the sentenced person has been remanded in custody or received notice of prosecution before the end of the probationary period. (Law 1998:604)

### *Section 7*

If the sanction previously imposed was closed juvenile care, an order in accordance with the provisions of Section 1, point 1 may be made only if it is manifest that the new crime by comparison with the earlier crime is, so far as the sanction is concerned, without any particular significance, or if there are other special reasons for so doing.

If a sanction has been imposed under the provisions of Section 1, point 2 for a crime committed before enforcement of the earlier



sentence has been started, the court, when deciding on the sanction shall ensure that the sanction taken together do not exceed what could have been imposed for both crimes. The court may therewith sentence to a lesser punishment than that prescribed for the crime.

If the accused is sentenced to imprisonment under the provisions of Section 1, point 3, the court, when deciding on the length of the punishment, shall make reasonable allowance for what he may have undergone in consequence of the sentence to closed juvenile care. A decision on the revocation of closed juvenile care may only be made if the sentence is passed before the fixed period of enforcement has expired. (Law 1998:604

#### *Section 8*

Repealed (Law 1979:680)

#### *Section 9*

Repealed (Law 1981:211)

#### *Section 10*

If in application of Section 1, point 1, by a sentence which has acquired final legal force, imprisonment, a conditional sentence, probation or closed juvenile care imposed in an earlier sentence has been deemed to cover further crime and, if the earlier sentence is changed by a higher court by a judgement which acquires final legal force, the question of a sanction for the said crime shall, following notification by a prosecutor, be reconsidered by the court. This also applies when a sanction has been decided on under the provisions of Section 3, second paragraph or Section 7, second paragraph and the earlier sanction has been changed.

If it is found when a sentence to imprisonment for a fixed term or closed juvenile care is to be enforced that the sentenced person committed the crime before the enforcement of a sanction to which he was sentenced for another crime has begun and if it does not

appear from the judgements that the latter sanction has been taken into consideration, the court, once the sentences have acquired final legal force, shall, following notification by the prosecutor and in application of the provisions of Section 3, second paragraph or Section 7, second paragraph, determine the punishment the sentenced person shall undergo as a result of the sentence which is the last to be implemented. (Law 1998:604).

#### *Section 11*

If a sentence to life imprisonment is to be enforced concurrently with a sentence to a fine, imprisonment as conversion of a fine, imprisonment for a fixed period, a conditional sentence, probation or closed juvenile care, the sentence to life imprisonment shall supplant the other sanction.

If a sentence to imprisonment for a fixed term of at least two years or to closed juvenile care for at least two years is to be enforced concurrently with a sentence to a fine or imprisonment as conversion of a fine imposed before the enforcement of the aforementioned sanctions has been commenced, the aforementioned imprisonment or sentence to closed juvenile care shall supplant the other sanction. (Law 1998:604).

#### *Section 12*

Repealed (Law 1979:680)

#### *Section 13*

Repealed (Law 1981:211)

*Sections 14-17*

Repealed (Law 1975:667)

*Section 18*

If the question arises of extradition to Sweden for enforcement of a sentence under which a person has been sentenced to imprisonment as a joint sanction for two or more crimes and if, under the legislation of the foreign state, extradition may not take place for all the crimes, the court shall, following notification by a prosecutor, revoke the joint sanction imposed earlier and impose a sanction for the criminality for which extradition may take place.

The provisions of the first paragraph shall also apply when a sentence in a Swedish criminal case, relating to two or more crimes, is to be enforced abroad in accordance with the Act on International Collaboration in the Enforcement of Sentence in Criminal Cases (1972:260) or the Act on International Collaboration on the Supervision of Conditionally Sentenced or Conditionally Released Offenders (1978:801) and an impediment to enforcement exists under the Laws of the foreign state in respect of one or more of the crimes. (Law 1981:211)

## Chapter 35

### On Limitations on Sanctions

#### *Section 1*

No sanction may be imposed unless the suspect has been remanded in custody or received notice of prosecution for the crime within:

1. two years, if the crime is punishable by at most imprisonment for one year,
2. five years, if the most severe punishment is imprisonment for more than one but no more than two years imprisonment,
3. ten years, if the most severe punishment is imprisonment for more than two but no more than eight years,
4. fifteen years, if the most severe punishment is imprisonment for a fixed term of more than eight years,
5. twenty-five years, if life imprisonment can be imposed for the crime.

If an act includes several crimes, then, regardless of what is stated above, a sanction may be imposed for all of the crimes, provided that a sanction can be imposed for any one of them.

#### *Section 2*

Repealed (Law 1975:667)

#### *Section 3*

If a person remanded in custody is released without having received notice of prosecution for the crime or if the case against someone is rejected or dismissed after he has received such notice, the remand in custody or service of notice shall be considered as never having occurred if the possibility of imposing a sanction arises.

#### *Section 4*

The times specified in Section 1 shall be reckoned from the date when the crime was committed. If the occurrence of a certain effect of the act is a prerequisite for the imposition of a sanction, time shall be reckoned from the date when such effect occurred.

If a crime described in Chapter 6, Sections 1-4 and 6 or an attempt to commit such a crime has been committed against a child under fifteen years of age, the times stated in Section 1 shall be reckoned from the date on which the injured party attains or would have attained fifteen years of age.

If, in a bookkeeping crime which is not petty, the person responsible for bookkeeping has been declared bankrupt, has been granted or has offered a composition or has suspended payments within five years of the crime, the time shall be reckoned from the date when this occurred. If the person responsible for bookkeeping has been the subject of a tax audit or tax assessment audit within five years of the crime, the time shall be reckoned from the day when the audit was decided. (Law 1996:659)

#### *Section 5*

Repealed (Law 1971:964)

#### *Section 6*

In no case may a sanction be imposed when, from the date mentioned in Section 4, the following periods have elapsed:

1. five years, if the crime is not subject to a punishment of more than a fine and the time for the imposition of a sanction for the crime is determined under Section 1, point 1,
2. fifteen years if, in cases other than those falling under the first paragraph, the crime is not subject to imprisonment for more than two years,
3. thirty years in other cases. (Law 1971:964)

### *Section 7*

Sentences to fines lapse after five years have expired from the date when the judgement acquired final legal force. This does not apply if, at the expiry of the stated period, the sentenced person has been notified of an application for conversion of the fine and this application has not been finally determined. If the application does not lead to conversion of the fine, it shall lapse when the court's final decision in the case acquires final legal force. Special provisions govern the lapse of a sentence imposing conversion of a fine.

If the sentenced person dies, an imposed fine lapses. If the sentence acquired final legal force during the sentenced person's lifetime and moveable property has been distrained or placed in public custody in order to secure payment of the fine, it shall, however, be payable out of such property.

The previous sections concerning fines apply equally to a conditional fine subject to an order for payment. (Law 1983:351)

### *Section 8*

A sentence to imprisonment lapses if its enforcement has not begun before the period stated below has elapsed from the time the sentence acquired final legal force:

1. five years, if imprisonment for not more than one year was imposed,
2. ten years, if imprisonment for more than one year but not more than four years was imposed,
3. fifteen years, if imprisonment for more than four years but not more than eight years was imposed,
4. twenty years, if imprisonment for a fixed term of more than eight years was imposed,
5. thirty years, if life imprisonment was imposed. (Law 1971:964)

*Section 9*

If the serving of imprisonment for a fixed term is interrupted, the provisions of Section 8 shall be correspondingly applicable concerning the continuation of enforcement and therewith time shall be computed having regard to what remains of the imposed punishment. The time shall be reckoned from the date when the interruption occurred or, if conditional release has been granted but declared revoked, from the date when the revocation decision acquired final legal force.

*Section 10*

A sentence to closed juvenile care lapses if its enforcement has not begun within five years from the time the sentence acquired final legal force.

If enforcement of the sentence has been interrupted then what is provided in the first paragraph shall be applicable in the matter of the continued enforcement. The time shall be reckoned from the day of the interruption. (Law 1998:604)

*Section 11*

Repealed (Law 1986:645)

## Chapter 36

### On Forfeiture of Property, Corporate Fines and Other Special Legal Effects of Crime

#### *Section 1*

The proceeds of a crime as defined in this Code shall be declared forfeited unless this is manifestly unreasonable. The same shall apply to anything a person has received as payment for costs incurred in conjunction with a crime, provided that such receipt constitutes a crime under this Code. The value of the article received may be declared forfeited instead of the article itself.

In determining whether it would be manifestly unreasonable to declare the proceeds of a crime forfeited under the provisions of the first paragraph, consideration shall be given inter alia, to whether there is reason to believe that liability to pay damages in consequence of the crime will be imposed or otherwise discharged. (Law 1986:1007)

#### *Section 2*

Property which has been used as an auxiliary means in the commission of a crime under this Code or which is the product of such a crime may be declared forfeited if this is called for in order to prevent crime or for other special reasons. This also applies to property the use of which constitutes a crime under this Code or which is otherwise used in a manner which constitutes such a crime.

The value of property may be declared forfeited instead of the property itself. (Law 1968:165)

#### *Section 3*

Forfeiture may also be decided on in cases other than those described in Section 2 in respect of objects which:



1. by reason of their special nature and other circumstances, give rise to a fear that they may be put to criminal use,
  2. are intended for use as a weapon in a crime against human life or health and which have been discovered in circumstances which give rise to a fear that they would be put to such use, or
  3. are intended for use as an auxiliary aid in a crime entailing damage to property and have been discovered in circumstances which clearly give rise to a fear that they would be put to such use.
- (Law 1989:136)

#### *Section 4*

If, as a result of a crime committed in the course of business, the entrepreneur has derived financial advantages, the value thereof shall be declared forfeited, even if this is not so provided for in Section 1 or 2 or otherwise specially provided for.

The provisions of the first paragraph shall not apply if forfeiture is unreasonable. In assessing whether such is the case, consideration shall be given inter alia to whether there is reason to believe that some other obligation to pay a sum corresponding to the financial gain derived from the crime will be imposed upon the entrepreneur or will be otherwise discharged by him.

If proof of what is to be declared forfeited cannot, or can only with difficulty, be presented, the value may be estimated to be an amount that is reasonable in view of the circumstances. (Law 1986:1007)

#### *Section 5*

Forfeiture of property or its worth in consequence of crime may, if no provision is otherwise made, be exacted of:

- a) the offender or an accomplice in the crime,
- b) the person whose position was occupied by the offender or an accomplice,
- c) the person who profited from the crime or the entrepreneur described in Section 4,

d) any person who after the crime acquired the property through the division of jointly held marital property, or through inheritance, will or gift, or who after the crime acquired the property in some other manner and, in so doing, knew or had reasonable grounds to suspect that the property was connected with the crime.

If the property did not belong to any of the persons in the categories (a) - (c) in the first paragraph, it may not be declared forfeited.

Any special right to property that has been declared forfeited remains if the special right is not also declared to be forfeited.

Such a right gained by distraint or security for payment ceases if the property is declared forfeited unless for some special reason it is ordered that the right shall remain. (Law 1987:791)

### *Section 6*

Instead of forfeiture, the court may prescribe a measure for the prevention of misuse. (Law 1986:118)

## **Corporate fines**

### *Section 7*

For a crime committed in the exercise of business activities the entrepreneur shall, at the instance of a public prosecutor, be ordered to pay a corporate fine if:

1. the crime has entailed gross disregard for the special obligations associated with the business activities or is otherwise of a serious kind, and
2. the entrepreneur has not done what could reasonably be required of him for prevention of the crime.

The provisions of the first paragraph shall not apply if the crime was directed against the entrepreneur or if it would otherwise be manifestly unreasonable to impose a corporate fine. (Law 1986:1007)

*Section 8*

A corporate fine shall consist of at least ten thousand Swedish crowns and at most three million Swedish crowns. (Law 1986:118)

*Section 9*

In determining the amount of a corporate fine, special consideration shall be given to the nature and extent of the crime and to its relation to the business activity. (Law 1986:118)

*Section 10*

A corporate fine may be remitted or set at less than it should have been under the provisions of Section 9:

1. if a sanction for the crime is imposed on the entrepreneur or a representative of the entrepreneur,
2. if the crime involves some other payment liability or a special legal effect for the entrepreneur,
3. if this is otherwise called for on special grounds. (Law 1986:118)

**Common provisions***Section 11*

The provisions of an act or statutory instrument concerning a special legal effect arising from the fact that someone is sentenced to punishment shall also apply when some other sanction stated in Chapter 1, Section 3, is imposed.

In the application of the first paragraph, a conditional sentence and probation, and also, unless the sentence otherwise states, committal for special care, shall be considered equivalent to imprisonment. In that connection, if so ordered, probation and committal for special care shall be considered as corresponding to imprisonment for at least six months. (Law 1986:118)

*Section 12*

If sentencing someone to a sanction is a prerequisite for the forfeiture of property or other special legal effect which may follow upon crime, the court may, if the sanction for the crime is remitted, order, insofar as circumstances give cause, that such legal effect shall ensue. (Law 1986:118)

*Section 13*

If a crime has been committed by someone who has not attained fifteen years of age or who has acted under the influence of serious mental disturbance, the court may order forfeiture of property or other special legal effect that may follow upon the crime only if, and to the extent that, this may be regarded as reasonable having regard to his mental state, the nature of the act, and other circumstances. (Law 1986:118)

*Section 14*

If a sanction can no longer be imposed because of the death of the offender or for other cause, property may be declared forfeited or a corporate fine imposed by reason of the crime or a measure be prescribed to avert misuse only if, in proceedings pertaining thereto, a summons has been served within five years from the time when the crime was committed. In such a case the prosecutor may institute proceedings only if called for in the public interest.

In a case falling under the present description the provisions of Chapter 35, Section 3 shall be correspondingly applicable. (Law 1986:118)

*Section 15*

A decision concerning forfeiture or measure to avert misuse or concerning a corporate fine is null and void if its implementation has not occurred within ten years from the date when the decision acquired final legal force. (Law 1986:118)

*Section 16*

If an act or statutory instrument prescribes that a declaration be made concerning forfeiture or other special legal consequence of a crime, the declaration may nevertheless be dispensed with if such a legal consequence is manifestly unreasonable. (Law 1986:1007)

*Section 17*

Forfeited property and corporate fines accrue to the State unless otherwise prescribed.

If the proceeds of crime described in Section 1, corresponding to the damage occasioned to an individual, are declared forfeited from some person, the State shall in that person's stead pay compensation to the injured party to an amount corresponding to the value that has accrued to the State as a consequence of the decision on forfeiture. In the enforcement of this decision, the party subject to the forfeiture shall be entitled to make a deduction for any amount he shows himself to have already paid in compensation to the injured party. (Law 1986:1007)

## Chapter 37

### On Supervision Boards

#### *Section 1*

The Government determines the division of the country into supervision board areas.

A supervision board consists of chairman, vice-chairman and three other members, unless the Government decrees that a given board shall have more members. The chairman and two members constitute a quorum. In urgent cases and also in matters of less importance the chairman alone may decide on behalf of the board. Such decisions shall be reported at the next meeting of the board.

The Government may order that a supervision board shall work in sections. For such sections the applicable parts of the Law governing the board shall apply. (Law 1983:240)

#### *Section 2*

The Government or an administration designated by the Government appoints the chairman and vice-chairman of the supervision boards. In the absence of the chairman, the vice-chairman acts as chairman. When both the chairman and vice-chairman are absent, a temporary deputy is appointed by the National Prison and Probation Administration. The chairman, vice-chairman and deputy shall be legally qualified and have experience of service as judges.

The other members are appointed by election. An equivalent number of deputies for them are elected. Elections are conducted by the municipal council if the supervision board's area comprises a single municipality and, otherwise, by the county council. If, in the supervision board's area, there is also a municipality not included in a county council region, the election is administered by the county council and the local council in the proportions between them that

are decided by the county administrative board on the basis of the population figures. If a supervision board's area includes several counties or parts of counties, the Government, using the same principles, decides the number of members and deputies for each county or part of a county.

Proportional representation of members or deputies in county council or municipal elections shall be adopted, if requested by at least as many members of the county council or local council as correspond to the quotient obtained if the number of members present is divided by the number of persons to be elected, increased by 1. If the quotient is a fraction, it shall be rounded off to the next higher integer. Provisions governing the procedure for such proportional representation exist in the law (1992:339) on proportional election procedures. If the deputies are not elected proportionally, the order in which they shall be summoned to serve shall also be decided in the election.

Members and non-temporary deputies are appointed for terms of four years. If a member who has been appointed in a proportional election resigns before the expiry of his term, a deputy is appointed in accordance with the order between deputies decided in the election. If a member or deputy who has not been appointed in a proportional-representation election resigns, a new member or deputy is appointed for the remainder of the term. Temporary deputies shall be appointed for at most six months.

When a member or deputy is to be appointed, the supervision board shall notify the fact to the body which is to appoint him. (Law 1998:598)

### *Section 3*

Any person entitled to vote in municipal elections, who is officially registered in a parish within the jurisdiction of the board and has not attained the age of seventy, and who will not attain that age during the term of office envisaged, is eligible for election as a member or deputy member of a supervision board. No person with a guardian under the terms of Chapter 11, Section 7, of the Code on Parents

and Children may be elected as a member or deputy member of a supervision board. Nor shall legally qualified judges, public prosecutors, police officers, officials of the prisons and probation service, attorneys, or persons whose profession is to plead the cause of others before a court of Law be elected as a member or deputy member of such board. The supervision board shall determine the eligibility of an elected member or deputy member on its own motion.

If a member ceases to be eligible for office, his duties in that capacity shall be regarded as terminated. (Law 1991:510)

#### *Section 4*

The National Parole Board shall consist of one member, who occupies or has occupied a judicial office and who shall be chairman of the Board, together with four other members. Deputies are appointed in a number determined by the Government. The Government appoints the chairman, other members and deputies. In the absence of the chairman, his function shall be exercised by a member or deputy designated by the Government and qualified for appointment as chairman.

In urgent cases and in matters of minor importance the chairman alone may take decisions on behalf of the Board. Such decisions shall be notified at the next meeting of the Board.

The chairman, other members and deputies are appointed for terms of five years. If a member or deputy leaves before the expiry of his term, a new member or deputy is appointed to serve for the balance of the term. (Law 1983:240)

#### *Section 5*

A member or deputy of a supervision board and the National Parole Board shall have taken a judge's oath. The same grounds for disqualification that apply to a judge shall apply to a member or deputy, but the provisions of Chapter 4, Section 13, point 7 of the



Code of Judicial Procedure shall not be applicable to a member or deputy of a supervision board.

With respect to decisions by a board referred to in the first paragraph, applicable parts of the provisions governing voting in criminal cases in a superior court shall be observed. (Law 1981:211)

#### *Section 6*

If a sentenced person requests an oral hearing on a matter dealt with by a supervision board, he shall be granted the opportunity.

In a matter before the National Parole Board an opportunity to be heard in person shall be granted to a sentenced person if this can be assumed to be useful and can be conveniently arranged. (Law 1981:211)

#### *Section 7*

A person sentenced to imprisonment may request review of a decision of a local prison and probation administration taken in accordance with Chapter 26, Section 11, Section 12, second sentence, or Section 13, second sentence by the supervision board in whose area a local prison and probation administration is active. The board may also, on its own initiative, take up such a decision for review and in other respects decide on a matter the resolution of which is incumbent upon the probation authority in accordance with any of the provisions aforesaid. The local prison and probation administration may refer such a matter to the board for decision.

Any person sentenced to imprisonment and dissatisfied with a decision of a supervision board made in accordance with the provisions of Chapter 26, Section 11, 15, 18, 19 or 22, shall be entitled to require a review of the decision by the National Parole Board. (Law 1998:604)

### *Section 8*

The provisions of Section 7, first paragraph, are correspondingly applicable to a person sentenced to probation.

A person sentenced to probation may appeal to a court of appeal against a supervision board's decision in matters described in Chapter 26, Section 15, or Chapter 28, Section 7 or 11. The document shall be handed in to the supervision board. The time allowed for making the appeal is to be reckoned from the date when he received notice of the decision. The courts of appeal shall apply the provisions of the Code of Judicial Procedure concerning appeals from the decisions of district courts. (Law 1994:1037)

### *Section 9*

In a matter concerning the revocation of conditionally granted release from prison in accordance with the provisions of Chapter 26, a public defence counsel shall be appointed to assist the person affected by the measure unless it must be assumed that there exists no need for such assistance. (Law 1996:1623)

### *Section 10*

A decision taken by a local prison and probation administration and a supervision board under Sections 7 and 8 is immediately applicable unless otherwise provided. (Law 1998:604)

### *Section 11*

An appeal may only be lodged against a decision made in accordance with this Code by a supervision board concerning matters other than those covered by Sections 7 and 8, to a court of appeal in accordance with Section 8 or to the National Parole Board. (Law 1981:211)

## Chapter 38

### Certain Procedural Provisions, etc.

#### *Section 1*

A person receiving a conditional sentence may, before the time for appeal has expired, make a declaration stating that he is satisfied with the judgement as to the sanction imposed. Such a declaration shall also relate to fines imposed under Chapter 27, Section 2. The declaration shall be made in the manner prescribed by the Government.

A declaration once made in the prescribed manner is not retractable. If the offender has appealed against the judgement, his appeal shall be considered withdrawn by the declaration so far as the sanction for the crime is concerned.

Special provisions exist on the declaration of satisfaction in connection with a sentence to imprisonment and a sentence to closed juvenile care. (Law 1998:604)

#### *Section 2*

If a court has committed someone for care within the social welfare services in accordance with Chapter 31, Section 1, and the sentenced person thereafter substantially violates an order made in accordance with the provisions of Chapter 31, Section 1 second or third paragraph, the court may, following an application by a prosecutor, revoke the order on committal to care and sentence to another sanction for the crime. Reasonable account shall be taken of any fine that has been imposed in accordance with Chapter 31, Section 1 third paragraph, point 1 and to what the sentenced person has undergone in consequence of an order on youth service in accordance with Chapter 31, Section 1 third paragraph, point 2.

The court may decide to issue a warning to the sentenced person instead revoking the order in accordance with the first paragraph if this is a sufficient measure.

Even in cases which do not fall under the first paragraph, its provisions shall be correspondingly applicable if the planned care or measures that the social welfare board presented in its report in accordance with Section 11 of the law (1964:167) containing special provisions on young offenders do not come about or if the planned care differs essentially from the plan presented in the report. The same shall apply correspondingly when the court has committed someone for care in accordance with Chapter 31, Section 2, and the care which the social welfare board, in a report to the court, declared its intention to provide, proves impossible to arrange. (Law 1998:604)

#### *Section 2a*

If, in the determination of the quantum of punishment or choosing a sanction, it is apparent from the judgement that special consideration was given to whether the accused, in consequence of the crime, might be dismissed from or be served with notice of termination of an employment and, if that assumption, in respect of which the judgement was based, is found to have been wrong, the court which first passed judgement in the case may on application by a prosecutor or the sentenced person, revoke the sanction and impose a new sanction for the crime. This shall apply, however, only insofar as the earlier sanction has not been implemented in full. If such application is made, the court may order that the sanction previously imposed shall not be implemented until further notice.

If the sanction previously imposed was a conditional sentence or probation and if the new sanction upon is imprisonment, the court, in establishing the length of the prison sentence, shall pay due regard to what the offender may have undergone in consequence of conditional sentence or probation. In this connection, the court may impose imprisonment for a shorter period than that prescribed for the crime. If a sentence of imprisonment or closed juvenile care is

set aside and the court imposes a new sentence of the same character, the term served of the earlier sanction shall be considered as an enforcement of the new sanction. The court in its judgement shall state the length of the term already served. (Law 1998:604)

### *Section 3*

Questions concerning measures to be taken under Chapter 27, Section 2a, third paragraph, Section 5 third paragraph or Section 6, shall be considered by the court that first adjudged the case in which a conditional sentence was imposed. The question of a measure ordered under Chapter 31, Section 1 fourth paragraph shall be considered by the court that first adjudged the case in which the sentence to committal to the care of the social welfare services was passed.

Proceedings under Chapter 28, Section 8, shall be brought before the district court within whose area the supervision board which has raised the matter in question operates, or before the court which first adjudged the case in which the sentence of probation was imposed.

Cases referred to in this Section may also be brought before a court in which a criminal charge lies against the sentenced person, or before the court in the locality where the sentenced person mainly resides, if, having regard to the inquiries to be made and also to costs and other circumstances, the court considers it appropriate. (Law 1998:604)

### *Section 4*

Notification under Chapter 34, Section 10, shall be addressed to the first court in any one of the cases.

Application under Chapter 34, Section 18, shall be made to the court which first adjudged the case. (Law 1981:211)

*Section 5*

Proceedings to which reference is made in Chapter 27, Section 6, or Chapter 28, Section 8, shall be considered instituted when the offender was informed of the application to take up the case. (Law 1981:211)

*Section 6*

Lay assessors shall participate in the decision-making of a court of first instance on matters described in Sections 2 or 2a or in Chapter 27, Section 6, Chapter 28, Section 9, or Chapter 34, Section 10, second paragraph, or Section 18. This also applies to the revocation of a sanction under Chapter 34, Section 1, point 3, forfeiture of conditionally granted liberty or other measure taken under Chapter 34, Section 4, and to measures taken under Chapter 34, Section 5, third paragraph or Chapter 34, Section 5, third paragraph or Section 6, second paragraph.

A court of first instance sitting with one qualified judge shall be considered competent to decide on matters described in Chapter 27, Section 2a, third paragraph, or Section 5, third paragraph, Chapter 28, Section 11, first and second paragraphs or Chapter 31, Section 1, fourth paragraph. (Law 1998:604)

*Section 7*

Repealed (Law 1981:211)

*Section 8*

In cases concerning measures taken under Section 2 or 2a, or Chapter 27, Section 2a third paragraph, Section 5 third paragraph, or Section 6, or Chapter 28, Section 9, Chapter 31, Section 1 fourth paragraph or Chapter 34, Section 10, second paragraph, a court of the first instance shall provide the sentenced person with an opportunity of making his views known. If he desires to be heard

orally, he shall be afforded an appropriate opportunity. In cases concerning measures to be taken under Chapter 34, Section 18, the sentenced person shall be afforded an opportunity of making his views known if this be possible. The court's settlement of the matter shall be made by decision.

Measures taken under Chapter 28, Section 11, first and second paragraphs may be decided without affording the offender the opportunity of making his views known. (Law 1998:604)

#### *Section 9*

The court's decision on a measure to be taken in accordance with Chapter 27, Section 2a, third paragraph or Section 5, third paragraph, Chapter 28, Section 11, first and second paragraphs, Chapter 31, Section 1, fourth paragraph or Chapter 34, Section 10, second paragraph, or Section 18, shall take immediate effect unless otherwise ordered. This also applies to decisions on conditions, supervision or probationary periods in accordance with the provisions of Chapter 27, Section 6, Chapter 28, Section 9, or Chapter 34, Section 4, 5 or 6. (Law 1998:604)

#### *Section 10*

A warning decided upon by a court or a supervision board shall be promptly delivered to the offender in person. If the warning cannot be delivered in connection with the decision, another court or supervision board may be requested to deliver it.

#### *Section 11*

Repealed (Law 1973:918)

#### *Section 12*

Police authorities shall assist the court, the supervision boards, the National Parole Board and local prison and probation

administrations to secure the offender's appearance in a proceeding or in a matter dealt with in accordance with this Code or his detention under Chapter 26, Section 22 or Chapter 28, Section 6b or Section 11. (Law 1998:604)

### *Section 13*

The National Prison and Probation Administration or, if empowered by the Administration, a director of a regional prison and probation administration, may alter what a local prison and probation administration has decided in accordance with this Code. The Administration's decision in such a matter cannot be appealed. This also applies to a decision by the director of a region, which can, however, be amended by the Administration.

The first paragraph does not apply to decisions referred to in Chapter 26, Section 6, third paragraph, Section 7, Section 11, Section 12, second sentence, Section 13, second sentence, or Section 16 first paragraph, second sentence. (Law 1998:604))

### *Section 14*

The National Prison and Probation Administration may alter a decision concerning the delay or postponement of conditional release which in accordance with the empowerment provided for in Chapter 26, Section 9, second paragraph has been decided on by another prison and probation administration. The person concerned by such a decision may request the National Prison and Probation Administration to review the decision if it has gone against him.

A decision of the National Prison and Probation Administration taken in accordance with the provisions of Chapter 26, Section 6, third paragraph and Section 7 may be appealed to an administrative court.

Leave to appeal is required with an appeal to the administrative court of appeal. (Law 1998:604)



*Section 15*

The National Prison and Probation Administration may, in accordance with Section 7 a of the law (1971:291) on administrative procedure, present the official case in a county administrative court and an administrative court of appeal. (Law 1998:604)

The National Prison and Probation Administration presents the official case in the Supreme Administrative Court.

*Section 16*

The Government or an administration designated by the Government may order State compensation for damage that has been caused by a sentenced person in the course of the unpaid work performed in accordance with Chapter 27, Section 2a, first paragraph, Chapter 28, Section 2a, first paragraph and Chapter 31, Section 1, third paragraph, point 2. (Law 1998:604)