

# **CRIMINAL CODE (KZ-1)**

## **GENERAL PART**

### **Chapter One**

#### **FUNDAMENTAL PROVISIONS**

##### **Imposition of Criminal Liability**

###### **Article 1**

(1) Criminal liability in the Republic of Slovenia may be imposed while respecting constitutionally provided human rights and fundamental freedoms in a democratic arrangement and on the principles of a state governed by the rule of law.

(2) Pursuant to this Code, criminal liability shall be imposed by sentencing adults who committed criminal offences on the basis of determined guilt.

##### **No Criminal Offence or Sentence Without the Statute**

###### **Article 2**

No sentence or other criminal sanction shall be imposed on any person for committing an offence that did not constitute a criminal offence under the statute prior to being committed, and for which a sentence was not prescribed by the statute.

##### **System of Legal Criminal Sanctions**

###### **Article 3**

(1) Criminal sanctions shall include: sentences, admonitory sanctions and safety measures.

(2) The imposition of a sentence shall be prescribed for the perpetration of any criminal offence, which shall be imposed on the perpetrator (hereinafter, the perpetrator) in proportion to the weight of the committed act and his guilt. Admonitory sanctions instead of a sentence and, in addition to a sentence or admonitory sanction, safety measures may be imposed on the perpetrator under the conditions determined in the general part of this Code.

(3) If the perpetrator has been convicted of a criminal offence, he may be subject to the confiscation of property and to the publication of the judgement under the conditions determined by the present Code.

(4) When rules determine that because of the conviction for the criminal offence the offender's (hereinafter, the offender) rights or certain rights shall be revoked or limited in addition to the imposed criminal sanctions, the prohibition referred to in the previous Article shall apply for such legal consequences as well.

## Chapter Two

### APPLICATION OF THE PENAL CODE

#### 1. Personal Application

##### Equal Application of the Penal Code Article 4

(1) If not otherwise determined in this Penal Code, the Penal Code shall apply equally to all adults irrespective of the fact whether they are citizens (hereinafter, the citizen) of the Republic of Slovenia or foreign citizens (hereinafter, the foreign citizen).

(2) The criminal law provision, which exceptionally refers only to the citizens of the Republic of Slovenia, shall not apply to the citizens of other European Union Member States and other aliens.

(3) If the criminal law provision applies exceptionally only to the aliens, it may determine when the citizens of other European Union Member States shall not be considered aliens.

##### Special Personal Application Article 5

(1) If the statute determines that only persons with special characteristics, rights, or status shall be punished for a criminal offence, then the penal law shall apply to all such persons.

(2) Special penal laws shall determine the criminal liability of minors (hereinafter, the minor) and legal persons.

(3) A special law that defines the criminal liability of minors may also determine that persons, who were already adults at the time of committing a criminal offence but under the age of 21 (young adults), may be imposed criminal sanctions for minors instead of a sentence with regard to their personal development.

##### Exclusion of Personal Application Article 6

(1) The penal law shall not be applied to acts of persons whose criminal liability has been excluded because of immunity pursuant to the provisions of the constitution or international law regulations.

(2) When the law determines that the perpetrator shall be prosecuted for a criminal offence on the complaint or private action, then such provision shall not be applied to the person, against whom the injured party (hereinafter, the injured party) did not submit a complaint or a private action, or withdrew it.

## 2. Applicability in time

### Application of a Later, Least Severe Law for the Perpetrator Article 7

(1) The perpetrator of a criminal offence shall be subject to the statutory provisions which were applicable at the time the criminal offence was committed.

(2) If the law is altered subsequent to the committing of a criminal offence (one or more times), provisions providing for the least severe sentence shall apply to the perpetrator.

(3) Paragraphs 1 and 2 of this Article shall apply also in relation to the applicability in time of regulations, to which the Penal Code refers. If because of the change of such regulation the criminal offence is not only defined differently, but also represents another unlawful action, the Penal Code shall be changed as well and the provisions providing for the least severe sentence shall apply to the perpetrator, because his act is not defined as a criminal offence.

### Laws of Limited Duration Article 8

The Penal Code or other regulation, to which the Penal Code refers, that should be valid only for a limited duration, may be applied unless otherwise determined also after the expiry of the duration if the criminal offence was committed, when the Penal Code or the regulation was still valid.

### Simultaneous Application of the General Part of This Penal Code and Other Penal Laws Article 9

(1) The provisions of the general part of this Penal Code shall apply also to criminal offences, defined by other laws or ratified and issued international agreements or European Union acts, unless otherwise determined therein.

(2) If the laws that determine the criminal liability of minors, legal persons, or other special types of offenders or acts (special penal laws) simultaneously also mention the application of the general part of this Penal Code in their general provisions, then the existing Penal Code shall be applied.

### 3. Territorial Application

#### Application of the Penal Code of the Republic of Slovenia to Any Person Who Commits a Criminal Offence in Its Territory Article 10

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

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

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

#### Application of the Penal Code of the Republic of Slovenia for Specific Criminal Offences Committed in a Foreign Country Article 11

The Penal Code of the Republic of Slovenia shall apply to any person who, in a foreign country, commits

- a criminal offence under Article 243 of this Penal Code or any other criminal offence, which according to the international agreement has to be prosecuted in all signatory states, irrespective of the location where it was committed, and
- criminal offences under Article 108 and Articles 348-360 of this Penal Code.

#### Application of the Penal Code of the Republic of Slovenia to Citizens of the Republic of Slovenia Who Committed a Criminal Offense Abroad Article 12

The Penal Code of the Republic of Slovenia shall be applicable to any citizen of the Republic of Slovenia who commits any criminal offence abroad other than those specified in the preceding article.

#### Application of the Penal Code of the Republic of Slovenia to Foreign Citizens Who Committed a Criminal Offense Abroad

## Article 13

(1) The Penal Code of the Republic of Slovenia shall apply to any foreign citizen who has, in a foreign country, committed a criminal offence against the Republic of Slovenia or any of its citizens, even though the offences in question are not covered by Article 11 of this Penal Code.

(2) The Penal Code of the Republic of Slovenia shall also be applicable to any foreign citizen who has, in a foreign country, committed a criminal offence against a third country or any of its citizens if he has been apprehended in the territory of the Republic of Slovenia, but was not extradited to the foreign country. In such cases, the court shall not impose a sentence on the perpetrator heavier than the sentence prescribed by the law of the country, in which the offence was committed.

## Special Conditions for Prosecution Article 14

(1) If, in cases under Article 10 and indent 1 of Article 11 of this Penal Code, the criminal procedure has been initiated or discontinued in a foreign country, the perpetrator may be prosecuted in the Republic of Slovenia only by permission of the Minister (hereinafter, the Minister) of Justice with the notice, under which conditions the prosecution shall not violate the double jeopardy.

(2) In cases under Articles 12 and 13 of this Penal Code, the perpetrator shall not be prosecuted:

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

(3) In cases under Articles 12 and 13 the perpetrator shall be prosecuted only insofar as his conduct constitutes a criminal offence in the country where it was committed.

(4) If, in the case under Article 12 of this Penal Code, the criminal offence committed against the Republic of Slovenia or the citizen thereof does not constitute a criminal offence under the law of the country where it was committed, the perpetrator of such an offence may be prosecuted only by permission of the Minister of Justice of the Republic of Slovenia.

(5) If, in all other cases except the cases referred to in indent 2 of Article 11 and paragraph 4 of this Article of this Penal Code, the criminal offence is not punished in the country where it was committed, the perpetrator may be prosecuted only by permission

of the Minister of Justice and with the proviso that, according to the general principles of law recognised by the international community, the offence in question constituted a criminal act at the time it was committed.

(6) In the case under Article 10, the prosecution of a foreign person may be transferred to another country under the conditions provided by the statute.

#### Credit for Detention Abroad Article 15

Any period of detention and confinement during the extradition procedure, or sentence of imprisonment served under the judgement of a foreign court, if it becomes known at a later time, shall be credited towards the sentence imposed for the same criminal offence by the domestic court. If sentences are of different types, the domestic court shall decide on the appropriate method of deduction of the period served abroad. If the convicted person served together more sentences than they were imposed on him in the judgement before the domestic court, the surplus shall deem him wrongfully convicted.

### Chapter Three

#### GENERAL PROVISIONS ON CRIMINAL OFFENCE

##### 1. Criminal Offence and Perpetrator

#### Criminal Offence Article 16

A criminal offence shall mean unlawful conduct that the statute due to urgent protection of legal values determines as a criminal offence, while defining the elements thereof and the sentence for the guilty perpetrator.

#### Mode of Committing a Criminal Offence Article 17

(1) A criminal offence may be committed by voluntary act or by omission.

(2) A criminal offence may be committed by omission only when the perpetrator has failed to perform the act, which he was obliged to perform.

(3) A criminal offence may be committed by omission, though the offence does not constitute criminal omission under the terms of the statute, when the perpetrator has not prevented the occurrence of an unlawful consequence. In such cases, the perpetrator shall be punished for omission only if he was obliged to prevent the

occurrence of the unlawful consequence and insofar as the occurrence of such a consequence could not have been prevented even had he performed any positive act.

#### Time of Committing a Criminal Offence Article 18

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

#### Place of Committing a Criminal Offence Article 19

(1) A criminal offence is committed both in the place where the perpetrator was acting and in the place where the unlawful consequence occurred.

(2) The criminal attempt shall be deemed to have been committed both in the place where the perpetrator was acting and in the place where, according to his intention, the unlawful consequence should or could have occurred.

#### Perpetrator and Accomplice Article 20

(1) Perpetrator of a criminal offence is any person, who commits it personally or by using and directing the actions of another person (indirect perpetrator).

(2) Perpetrator of a criminal offence is also any person who together with the other person commits a criminal offence by wilfully collaborating in the execution thereof or in any other way decisively contributes thereto (the accomplice (hereinafter, the accomplice)).

#### Limits of Criminal Liability in Relation to the Age of Perpetrators Article 21

(1) Any person who committed a criminal offence when he was under the age of 14 years (a child), cannot be a perpetrator of a criminal offence.

#### Self-defence Article 22

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

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

(3) In the event that the perpetrator has acted beyond the limits of justifiable self defence, his sentence may be reduced; if he has so acted by reason of great excitement or fright provoked by the attack, the sentence may be withdrawn.

#### Coercion Article 23

Any act committed under coercion, which the perpetrator was not able to withstand, shall not constitute a criminal offence.

## 2. Guilt and Punishability of Perpetrators

#### Guilt Article 24

(1) Criminal liability shall be imposed against the person with the court judgement, which alleges that he is either guilty of the committing or omission, determined by law as a criminal offence, and on the basis thereof it shall impose a lawful criminal sanction or remit the sentence.

(2) The perpetrator shall be guilty if he has committed a criminal offence with intent or by negligence and when he must have or could have been aware that his conduct was unlawful.

#### Intent Article 25

A criminal offence shall be committed with an intent if the perpetrator was aware of his act and wanted to perform it, or was aware that an unlawful consequence might result from his conduct but he nevertheless let such consequence to occur.

#### Negligence Article 26

(1) A criminal offence shall be committed through negligence if the perpetrator does not act with the required carefulness, with which he has to or is able to perform an act or omit to perform an act under the given circumstances and with respect to his personal attributes.



(2) A criminal offence shall not be committed with an intent but through negligence, when the perpetrator was aware that an unlawful consequence might result from his conduct but believed that it would not occur, and then the consequence occurs, because he was reckless and did not prevent it in due time.

(3) A criminal offence shall not be committed through negligence if the perpetrator despite the required carefulness causes the unlawful consequence, which could not have been expected or prevented.

#### Punishability of Negligence Article 27

(1) The perpetrator shall be punished for the criminal offence committed through negligence only if the law so determines.

(2) None of the penal law provisions may be applied in the manner, in which the perpetrator, who commits a criminal offence through negligence, would not be punished with a less severe sentence than for the committing of an equal criminal offence with intent.

(3) The court may remit a sentence to the perpetrator, who committed a criminal offence through negligence, if the consequences of the act concern the perpetrator to the extent that the imposition of a sentence in such a case obviously would not be justifiable.

#### Liability for Graver Consequences Article 28

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

#### Responsibility Article 29

(1) Any person who was not found responsible at the time of committing a criminal offence shall not be guilty.

(2) The perpetrator, who at the time of committing a criminal offence was not capable to understand the meaning of his act or to control his because of mental disorder or mental underdevelopment, shall not be held responsible for his actions.

(3) A reduced sentence may be applied to the perpetrator, whose ability to understand the meaning of his act or to control his conduct were substantially

diminished due to any of the states of mind under the preceding paragraph, or due to any other permanent or severe mental disturbance.

(4) The perpetrator, whose insanity was self-induced through indulgence in alcohol, drugs, or in any other ways, shall be deemed to be criminally liable if his guilt, which constitutes a statutory element of the offence in question, is established.

#### Mistake of Fact Article 30

(1) The perpetrator who, at the time of the committing of a criminal offence, was not aware of a statutory element of such an offence, shall not be held liable under criminal law.

(1) A criminal offence shall be deemed to be committed as a mistake of fact if the perpetrator at the time of committing of a criminal offence was not aware of a statutory element of the circumstances, or he erroneously believed that the circumstances were present which, if they were true, would justify his conduct.

(3) For a criminal offence committed out of negligence, the guilt of the perpetrator shall not be excluded if he was in error regarding the circumstances, which he should and could have been aware of within the limits of required carefulness.

#### Mistake of Law Article 31

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

(2) There are no justified reasons referred to in paragraph 1 of this Article if the perpetrator was not aware of legal regulations, with which he could have familiarised himself under the same conditions as other people in his broader environment, or he should have known special legal regulations in relation to his work, role, or general position.

(2) If the perpetrator committed a criminal offence deemed as a mistake of law, which he could have avoided, the court may reduce the sentence.

#### Necessity Article 32

(1) Any person who shall commit an act, which shall have elements of a criminal offence to avert an immediate threat to his life, physical integrity, personal freedom or

property necessary for survival, which he has not caused himself, shall not be found guilty if such threat could not have been averted in any other way, and the perpetrator was not obliged to expose to it as well.

(2) Any person who shall commit a criminal offense out of necessity under the conditions referred to in paragraph 1 of this Article in order to avert the threat to other values recognised by law, shall not be punished provided that the evil thus incurred does not exceed the evil which threatened him.

(3) A reduced sentence may be imposed on any perpetrator who in cases under paragraphs 1 and 2 of this Article, by reason of negligence, has caused the danger himself or whose conduct has exceeded the limits of necessity, and if the perpetrator has acted beyond such limits under particularly mitigating circumstances, his sentence may be withdrawn.

#### Limits of Punishability Article 33

(1) If the statute determines that an act with elements of a criminal offence due to special circumstances, relations, or characteristics of the perpetrator is not punishable by law, the perpetrator shall not be prosecuted because of such criminal offence.

(2) If because of the exclusion of punishability under paragraph 1 of this Article the perpetrator is not criminally liable, this shall not present an obstacle for another legal liability to be imposed against him for the committed criminal offence.

### 3. Attempt of Criminal Offence

#### Attempt Article 34

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

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

#### Inappropriate Attempt Article 35

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

#### Voluntary Abandonment of Attempt Article 36

(1) If the perpetrator has attempted to commit a criminal offence but voluntarily desisted to go through with it, his sentence may be withdrawn.

(2) If the perpetrator voluntarily desists from committing a criminal offence, he shall be punished for those acts, which present some other independent criminal offence.

#### 4. Participation in Criminal Offence

##### Criminal Solicitation Article 37

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

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

##### Criminal Support Article 38

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

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

##### Punishability of Those Soliciting or Supporting a Criminal Attempt Article 39

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

#### Limits of Punishability of Accomplices Article 40

(1) The perpetrator, the instigator and the aide shall be punished for criminal offences within the limits of their intent.

(2) If the instigator or the aide voluntarily prevented the intended criminal offence from being accomplished, his sentence may be withdrawn.

(3) Personal relations, attributes and circumstances, on the basis of which the guilt or punishability are excluded by law or sentence remitted, reduced or extended, shall be taken into consideration only with respect to the accomplice (hereinafter, the accomplice), by whom such relations, attributes and circumstances were determined.

#### Liability of Members and Leaders of Criminal Organisation Article 41

(1) A severer sentence may be prescribed for an intentional criminal offence with a prescribed sentence of more than three years of imprisonment if the criminal offence was committed within a criminal organisation.

(2) A member (hereinafter: the member) of a criminal organisation with at least three persons shall be punished with a severer sentence under paragraph 1 of this Article if he commits the criminal offence to implement the criminal organisation's plan in association with at least one member as an accessory or accomplice.

(3) In the case referred to in paragraph 2 of this Article, the leader of the criminal organisation, who led the implementation of the criminal plan or had at his disposal illegally gained property benefits at the time of committing the criminal offence based on the criminal plan, notwithstanding whether he participated at its implementation directly as the perpetrator or accessory pursuant to Articles 20 or 37 and 38 of this Penal Code, shall be punished the same as the perpetrator.

### 5. Punishability of Legal Persons

#### Liability of Legal Persons for Criminal Offences Article 42

(1) Criminal liability shall be imposed on a legal person for criminal offences, which the perpetrator commits in his name, on his behalf or in his favour, providing that the statute, which regulates liability of legal persons for criminal offences, determines that the legal person is liable for the criminal offence in question.

(2) Criminal liability of legal persons shall not exclude liability of natural persons as perpetrators, instigators or aides in the same criminal offence.

(3) The law, which regulates liability of legal persons for criminal offences, shall determine the conditions for criminal liability of legal persons, sentences, admonitory sanctions or safety measures, and legal consequences of the conviction for legal persons.

## Chapter Four

### SENTENCES

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

##### Types of Sentences Article 43

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

- imprisonment;
- fine;
- revoking of driving licence.

##### Principal and accessory sentences Article 44

(1) A term of imprisonment may only be imposed as a principal sentence.

(2) A fine may be imposed both as a principal as well as an accessory sentence.

(3) The revoking of a driving licence may only be imposed as an accessory sentence to imprisonment, fine, or suspended sentence.

(4) One or both sentences may be imposed as accessory to the principal sentence.

##### Legality in Imposing of Sentences Article 45

(1) The sentence prescribed for committing a criminal offence shall be imposed on the perpetrator of such an offence; a reduced or extended sentence may only be imposed under conditions laid down by this Penal Code.

(2) For criminal offences committed out of greed, a fine may be imposed as an accessory sentence even when it is not expressly prescribed by the statute or in cases where imprisonment and fine are prescribed, and the court has decided to impose imprisonment as the principal sentence.

#### Sentence of Imprisonment Article 46

(1) A prison sentence may be imposed for a term not shorter than fifteen days and not longer than thirty years.

(2) A sentence of life imprisonment may be imposed for criminal offences of genocide, crimes against humanity, war crimes and aggression, and under conditions under point 1 of paragraph 2 of Article 53 of this Penal Code for two or more criminal offences under paragraph 5 of Article 108, Article 116, Article 352, paragraph 2 of Article 360, paragraph 4 of Article 371, and paragraph 3 of Article 373.

(3) The lowest sentence for criminal offences, for which the prescribed prison sentence is up to thirty years, is fifteen years of imprisonment.

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

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

#### Fines Article 47

(1) A fine shall be imposed in daily instalments and may amount to minimum thirty and maximum three hundred and sixty daily instalments, while for criminal offences committed for one's own interest it may amount to maximum one thousand five hundred daily instalments.

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

(3) If the court was not able to acquire the data on the perpetrator's daily income referred to in the preceding paragraph, then one thirtieth of the last officially published average monthly net salary in the Republic of Slovenia per employee shall be considered as the daily amount for the fine.

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

### Revoking of Driving Licence Article 48

(1) The court may revoke a driving licence for the operation of motor vehicles of a certain type or category of the perpetrator, who committed a criminal offence as the operator (hereinafter, the operator) of a motor vehicle.

(2) The court shall determine the duration of the sentence referred to in the preceding paragraph, which may not be shorter than six months and longer than two years from the day of finality of the judgement. Time spent in prison or in a health institution for medical treatment and detention shall not be counted as a part of the sentence.

(3) In the event of a sentence from the paragraph 1 of this Article being imposed on a person holding a driving licence issued by a foreign country, the sentence shall prohibit the perpetrator only from using such a driving licence in the territory of the Republic of Slovenia.

## 2. Sentencing

### General Rules on Sentencing Article 49

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

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



caused by the committing of the criminal offence; and other circumstances referring to the personality of the perpetrator.

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

#### Reduction of Sentence Article 50

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

- if the possibility of a reduced sentence for the perpetrator is provided for by the statute;
- if the court ascertains that special mitigating circumstances are present, which justify the imposition of a reduced sentence.

#### Limits of the Reduction of Sentence Article 51

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

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

#### Remission of Sentence Article 52

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

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

### Concurrence of Criminal Offences Article 53

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

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

- 1) if the sentence of imprisonment for a term of thirty years has been determined for two or more concurrent criminal offences under paragraph 2 of Article 46 of this Penal Code, the combined sentence of life imprisonment shall be imposed;
- 2) if the sentence of imprisonment has been determined for all concurrent offences, the combined sentence shall exceed each sentence determined for a particular offence but may neither exceed the total sum of all sentences imposed for the concurrent offences nor may it exceed twenty years of imprisonment;
- 3) if a prison sentence for a term not exceeding three years is prescribed by the law for all concurrent criminal offences, the combined sentence shall not exceed a term of eight years;
- 4) if a fine has been fixed for all concurrent criminal offences, the court shall increase the maximum amount of the fine, whereby it may neither exceed the total sum of fines fixed for each concurrent offence nor the total of three hundred and sixty daily instalments or EUR 15.000,00; if any of the criminal offences have been committed out of greed, the increased fine may not exceed the total of one thousand five hundred daily instalments or EUR 50.000,00;
- 5) if a prison sentence has been determined for some concurrent criminal offences and a fine for others, a single combined sentence of imprisonment and a single compound fine shall be imposed under points 2, 3 and 4 of this paragraph;
- 6) if more than one accessory sentence has been fixed for more than one concurrent criminal offence of the same type, a compound accessory sentence shall be imposed with the proviso that it shall exceed neither the total sum of the aforementioned sentences nor the maximum limit provided for the sentence in question.

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

(4) The accessory sentence shall be imposed on the perpetrator even if it is prescribed for only one of the concurrent criminal offences; if more than one fine has

been fixed, a single compound fine shall be imposed under point 4 of paragraph 2 of the this Article.

#### Continued Criminal Offence Article 54

(1) Any person who commits or attempts to commit simultaneously or successively two or more equal, or of the same type, criminal offences against property out of greed or to cause damage, which with regard to the place, method and other equal circumstances represent a uniform activity, shall commit a continued criminal offence.

(2) The provisions on concurrence under the preceding Article of this Penal Code shall not be applied for the continued criminal offence, but a combined sentence within the limits of the sentence, prescribed for the gravest criminal offence, shall be imposed for all criminal offences together, whereby in addition to the principal sentence of imprisonment a mandatory accessory sentence in the form of a fine shall be imposed as well.

(3) The perpetrator, who gains major property benefits or causes major or great loss of property under paragraph 1 of this Article, because of which a severer sentence is prescribed for the criminal offence, shall be imposed this severer sentence under paragraph 2 of this Article, if he wanted to gain such property benefits or cause such damage with simultaneously or successively committed criminal offences.

#### Sentencing of Convicted Person Article 55

(1) In the event of a perpetrator being tried for a criminal offence committed either prior to the commencement of or during the serving of an earlier sentence, a combined sentence shall be imposed on him for all criminal offences pursuant to Article 53; the court shall take into account the fact that his former sentences have already been fixed. The sentence or part of it, which the convicted person has already served, shall be counted as part of the sentence imposed.

(2) For a criminal offence committed during the period of the serving of a sentence in prison, the perpetrator shall be sentenced irrespective of earlier sentences if the application of provisions under Article 53 would lead to an unreasonably short term left to be served.

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

Credit of Time Spent in Detention and of Imprisonment Served Under the Earlier  
Sentence  
Article 56

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

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

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

(4) One day of remand, one day of confinement, one day of imprisonment shall have the same credit as part of the sentence as two daily instalments of the fine.

Chapter Five

ADMONITORY SANCTIONS

1. Suspended Sentence

General Provisions on Suspended Sentences  
Article 57

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

(2) In applying a suspended sentence, the court shall pass a sentence which will not be carried out unless the offender, within a term determined by the court and of not less than one and not more than five years (the term of suspension), commits a further criminal offence.

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

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

#### Suspension of Sentence Article 58

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

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

(3) The court shall suspend a sentence if, in considering the personality of the perpetrator, his past behaviour, his conduct after committing the offence, his degree of criminal liability, and other circumstances, under which the offence was committed, it comes to the conclusion that it is reasonable to expect that the perpetrator will not commit any further criminal offences.

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

#### Revoking of Suspended Sentence due to Further Criminal Offence Article 59

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

(2) In the event of the offender committing one or more criminal offences during the term of suspension, for which a prison sentence of less than two years or a fine have been imposed, the court shall decide whether to revoke the suspension after considering all the circumstances referring to the criminal offences committed and to the perpetrator, and in particular the similarity of the crimes committed, their significance and the motives, for which they were committed. In so acting, the court shall be bound by the proviso that no sentence shall be suspended if, for criminal offences decided in the judgement involving a suspended sentence and for criminal offences committed anew, the perpetrator is punished by more than two years of imprisonment (paragraph 1 of the preceding Article).

(3) In cases involving the revoking of a suspended sentence, the court shall impose a combined sentence, which takes into account the criminal offences committed earlier as well as the new offences, in accordance with Article 53 of the Penal Code, whereby it shall presume the sentence contained in the revoked suspended sentence to be already fixed.

(4) In the event of the court not revoking a suspended sentence, a suspended sentence or a sentence may be imposed for the new criminal offence. If a suspended sentence is decided for the new criminal offence, the court, applying Article 53 of the Penal Code, shall determine a combined sentence for the earlier and the new offence, as well as a new term of suspension of not less than one and not more than five years, running from the day of the final judgement. If the offender is sentenced to imprisonment for committing a new criminal offence, the period of time spent in serving such a sentence shall not be credited towards the term of suspension determined by the suspended sentence for the previous criminal offence.

#### Revoking of Suspended Sentence due to Preceding Criminal Offence Article 60

(1) The court shall revoke a suspended sentence when, after pronouncing it, it finds that the offender had committed a criminal offence prior to being given a suspended sentence and when it considers that there would not have been sufficient reasons for the imposition of such a sentence had the existence of the prior offence been known. In such a case the court shall apply the provisions contained in paragraph 3 of the preceding Article.

(2) If the court does not revoke the suspended sentence, it shall act according to the provisions contained in paragraph 4 of the preceding Article.

#### Revoking of Suspended Sentence due to Non-performance of Obligations Imposed Article 61

If the performance of some obligation contained in paragraph 3 of Article 57 of this Penal Code has been imposed on the offender under the terms of the suspended sentence and if he fails to fulfil such an obligation within the period of time determined by the judgement, the court may either prolong the time for the discharge of such an obligation or revoke the suspended sentence. If the court finds that the offender is not able to perform the obligation imposed under the terms of the sentence for justified reasons, the requirement of the performance of such an obligation may be withdrawn or substituted by another obligation as specified by the statute.

#### Time Limit for the Revoking of Suspended Sentence Article 62

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

(2) If the offender fails to discharge the obligation imposed under paragraph 3 of Article 57 of the Penal Code within the prescribed time, the court may, within a period of one year beginning from the expiry of the term of suspension, revoke the suspended sentence.

## 2. Suspended Sentence with Custodial Supervision

### Custodial Supervision

#### Article 63

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

(2) Custodial supervision shall involve assistance, supervision, or custody specified by the statute.

### Conditions for Application of Custodial Supervision

#### Article 64

(1) Custodial supervision shall be applied by the court when it reaches the opinion that during the term of suspension the implementation of such a measure is appropriate (paragraph 2 of the preceding Article). This measure shall be applied by the court for definite period of time within the limits of the suspension term, specified by the suspended sentence.

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

### Selection of Instructions

#### Article 65

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

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

(3) The court's instructions may include the following tasks:

- 1) to submit himself to a course of medical treatment at an appropriate institution, also treatment of alcohol or drug addiction with his consent;
- 2) to attend sessions of vocational, psychological, or other consultation;
- 3) to qualify for a job or to take up employment suitable to his health, skills, and inclinations;
- 4) to spend income according to the duties relating to family support;
- 5) prohibition of association with certain persons;
- 6) restraining order to keep the perpetrator away from the victim or some other person;
- 7) ban on access to certain places.

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

#### Activity of Consultant Article 66

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

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

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

#### Consequences of Non-Compliance with Instructions Article 67

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

### 3. Judicial Admonition

#### Conditions for Application of Judicial Admonition Article 68



(1) A judicial admonition may be applied for a criminal offence, for which a fine or a prison sentence not exceeding one year is prescribed, provided that such an offence has been committed in particularly mitigating circumstances.

(2) Under conditions set forth by this Penal Code, a judicial admonition may be applied for certain criminal offences even if punishable by imprisonment for a term not exceeding three years.

(3) The court shall administer a judicial admonition for one or more criminal offences committed in concurrence, provided that conditions under paragraphs 1 and 2 of this Article are met in each of them.

(4) In deciding whether to apply a judicial admonition, the court shall take into account the personality of the perpetrator, his past behaviour, his conduct after committing the criminal offence, the degree of his criminal liability, and other circumstances, under which the offence was committed.

## Chapter Six

### SAFETY MEASURES

#### Types of Safety Measures

##### Article 69

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

- barring from performing the occupation;
- revoking of the driving licence;
- confiscation of objects.

#### Conditions for Application of Safety Measures

##### Article 70

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

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

(3) Barring to perform an occupation may be ordered if the perpetrator has been sentenced to imprisonment or when such a sentence has been suspended.

## Barring to Perform Occupation Article 71

(1) The court may bar the perpetrator from performing a certain profession, autonomous activity, or function if by abusing his occupation, position, activity, or function, he committed a criminal offence and if the court has probable cause to believe that his further performing of such an occupation would therefore be dangerous.

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

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

(4) The court may order that such safety measure be repealed, when a period of two years has expired dating from the day the measure commenced. The court may decide thereof on the request by the offender if it considers that reasons for the imposition of such a measure have ceased to exist.

## Revoking of Driving Licence Article 72

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

(2) The court shall administer such a measure if it ascertains that the perpetrator's further presence in public traffic would endanger the public traffic due to his behaviour, personal attributes, or incapability to safely operate motor vehicles.

(3) The driving licence shall cease to be valid from the time the final judgement is passed. Time served in prison or spent in an institution for treatment and detention shall not be counted as part of the duration of such a measure.

(4) After the expiry of the period determined by the court within the minimum and maximum sentence for this measure, the perpetrator may obtain a new driving licence under the general conditions applying to obtaining particular types of driving licences.

(5) The court may order that such safety measure be repealed and the perpetrator may be issued a new driving licence, when a period of two years has expired dating from the day the measure commenced. The court may decide thereof on the request by the offender if it considers that reasons for the imposition of such a measure have ceased to exist.

### Confiscation of Objects Article 73

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

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

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

## Chapter Seven

### CONFISCATION OF PROPERTY BENEFITS GAINED BY COMMITTING OF CRIMINAL OFFENCE

#### Grounds for Confiscation of Property Article 74

(1) Nobody shall retain the property gained through or owing to the committing of a criminal offence.

(2) The property shall be confiscated according to the judgement passed on the criminal offence under conditions laid down in this Penal Code.

#### Method of Confiscation of Property Article 75

(1) Money, valuables and any other property benefit gained through or owing to the committing of a criminal offence shall be confiscated from the perpetrator or recipient (hereinafter, the recipient); if confiscation cannot be carried out, property equivalent to the property benefit shall be confiscated from them.

(2) When the property benefit or property equivalent to the property benefit cannot be confiscated from the perpetrator or other recipient, the perpetrator shall be

obliged to pay a sum of money equivalent to this property benefit. In justified instances, the court may allow the sum of money equivalent to the property benefit to be paid by instalments, whereby the period of payment may not exceed two years.

(3) Property benefit gained through or owing to the committing of a criminal offence may also be confiscated from persons, to which it was transferred free of charge or for a sum of money that does not correspond to its actual value, if such persons knew or could have known that this property had been gained through or owing to the committing of a criminal offence.

(4) When a property benefit gained through or owing to the committing of a criminal offence has been transferred to close relatives of the perpetrator of the criminal offence (relations from Article 224 of this Penal Code) or when, for reason of the prevention of confiscation of property benefits under paragraph 1 of this Article, any other property has been transferred to such persons, this property shall be confiscated from them unless they can demonstrate that they paid its actual value.

#### Protection of the Injured Party Article 76

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

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

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

#### Confiscation of Property from Legal Person Article 77

Any property gained by a legal person through or owing to the committing of a criminal offence shall be confiscated. A property benefit or property equivalent to the property benefit shall also be confiscated from legal persons, when the persons referred

to in the paragraph 1 of Article 75 of this Penal Code have transferred this property to the legal person free of charge or for a sum of money, which does not correspond to its actual value.

## Chapter Eight

### LEGAL CONSEQUENCES OF CONVICTION

#### Origin of Legal Consequences of Conviction

##### Article 78

(1) Conviction for particular criminal offences or passing of particular sentences may entail either the cessation or forfeiture of certain rights or a bar to the acquisition of certain rights.

(2) Legal consequences cannot come into existence incident to the imposition of a fine, suspended sentence, or judicial admonition and to the remission of a sentence.

(3) Legal consequences may only be prescribed by the statute and shall take effect by force of the statute prescribing them.

(4) Only legal consequences prescribed by the statute at the time of the committing of the criminal offence in question may be applied to the perpetrator.

#### Types of Legal Consequences of Conviction

##### Article 79

(1) Termination of the performance of certain public functions or official duties, or termination of an employment relationship, or the loss of the right to residence in the Republic of Slovenia, shall constitute the legal consequence referring to the cessation or forfeiture of certain rights.

(2) Legal consequences that prevent the acquisition of certain rights shall include:

- 1) debarment from the performance of certain public functions or official duties;
- 2) debarment from entering a certain profession or concluding an employment contract;
- 3) debarment from obtaining certain permits and endorsements granted by written order of state bodies.

#### Beginning and Duration of Legal Consequences of Conviction

##### Article 80

(1) Legal consequences come into effect on the day the conviction takes effect.

(2) Legal consequences entailing the prevention of the acquisition of certain rights may not remain in effect for more than five years from the day the sentence expired, was remitted or barred by time, except insofar as the statute prescribes a shorter or longer term of duration for particular legal consequences.

(3) Upon the expiry of two years from the day the sentence ended, was remitted or barred by time, and upon a request filed by the offender, the court may order the legal consequence of the conviction referring to the bar on the acquisition of certain rights to be repealed.

(4) In considering whether to order the discontinuation of a legal consequence, the court shall take into account the offender's conduct after the conviction, whether he has recovered the damages caused by the criminal offence, and other circumstances, which indicate whether it is reasonable to discontinue the legal consequence in question.

(5) The termination of the legal consequences of the conviction shall not affect any right of third persons connected thereto.

(6) The legal consequences of the conviction shall be discontinued with the removal of the conviction from the criminal record.

## Chapter Nine

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

#### Legal Status of the Offender after His Sentence Is Served Article 81

(1) After the sentence of imprisonment has been served, remitted or barred by the statute, the offender shall enjoy all rights contained in the constitution, laws and other regulations, and may exercise all rights other than those, which he is deprived of owing to the application of a safety measure or the legal consequences of the conviction.

(2) The preceding paragraph shall also apply to offenders released on parole.

#### Legal Rehabilitation and Annulment of Conviction Article 82

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

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

(3) The conviction shall be removed from the criminal record within the prescribed period of time from the day the sentence was served, remitted or barred, unless in this period the offender commits a further criminal offence.

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

- 1) one year from the final judgement, in which a judicial admonition was administered to the offender or his sentence was remitted;
- 2) one year from the expiry of the term of suspension if the sentence was suspended;
- 3) three years for a fine, accessory sentence, or a prison sentence not exceeding one year;
- 4) five years for a prison sentence of between one and three years;
- 5) eight years for a prison sentence of between three and five years;
- 6) ten years for a prison sentence of between five and ten years;
- 7) fifteen years for a prison sentence of between ten and fifteen years.

(5) A prison sentence of over fifteen years shall not be removed from the criminal record.

(6) The conviction may not be removed from the criminal record as long as safety measures apply to the offender.

#### Judicial Rehabilitation Article 83

Upon a request by the offender, the court may rule that the conviction be removed from the criminal record and the offender be deemed never to have been convicted, provided that half of the statutory prescribed period has elapsed, by expiry of which the conviction is removed, and with the further proviso that during this period the offender has not committed any further criminal offence. In deciding whether to remove the conviction, the court shall consider the offender's behaviour after he has served the sentence, the nature of the offence he committed, and other circumstances relevant to the removal of the conviction.

#### Release of Information from the Criminal Record Article 84

(1) The information on judgements shall be kept in a criminal record. The extent of information and release of information from the criminal record before the removal shall be determined by the statute.

(2) On the basis of a request by institutions or associations justified by law, to which the children or minor were entrusted to be educated, schooled, protected and

cared for, the information from the criminal record shall be released for the removed convictions for criminal offences under Article 173, paragraph 2 of Article 175, committed against a minor, and under Article 176 of this Penal Code.

(3) It shall be determined by the statute that the convictions for criminal offences under the preceding paragraph shall be entered in a special record and the conditions, limitations and procedure to release information on such convictions shall be prescribed; in cases not covered in the preceding paragraph, the conviction shall be deemed removed despite being preserved in a special record (paragraph 1 of this Article).

## Chapter Ten

### FUNDAMENTAL PROVISIONS ON THE IMPLEMENTATION OF CRIMINAL SANCTIONS

#### Status of the Offender during Serving the Sentence of Imprisonment Article 85

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

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

(3) The offenders shall be subjected to humane treatment, their personal dignity shall be respected, and their physical and mental integrity shall be protected.

(4) Appropriate health care shall be ensured for the offender as well as treatment of drug or alcohol abuse with his consent.

#### Serving of Sentence of Imprisonment Article 86

(1) The offenders shall serve the sentence of imprisonment in prison prescribed by the statute.

(2) The offenders shall be placed in the above-mentioned prisons according to the degree of deprivation of liberty.

(3) The sentence of imprisonment up to nine months may be substituted with house detention. The court shall decide on substitute house detention with a decision, in which it shall determine that the offender may not leave the building of his permanent or temporary residence or a public institution for medical treatment or care. The court may



exceptionally allow the offender to leave the premises of house detention for a definite period of time, when it is absolutely necessary to ensure vital necessities of life, medical assistance, or to perform work. If the offender leaves the building of house detention without the court's prior consent or outside allowed time, the court may decide that the imposed sentence of imprisonment shall be executed.

(4) The sentence of imprisonment may also be implemented so that the offender in the period of maximum two years performs community service in the amount of minimum eighty and maximum four hundred and eighty hours. The community service shall be distributed in a way not to disturb the offender's obligations of his employment relationship. Such form of implementation shall be decided by the court, which ordered the sentence at the first instance, considering the objective and subjective circumstances of the perpetrator and his consent with this kind of implementation of the sentence. The sentence of imprisonment, which was imposed on the perpetrator for the criminal offence against sexual inviolability, cannot be substituted by community service. If the offender does not fulfil the tasks arising from performing community service, the court may order the execution of the sentence of imprisonment.

#### Method of Execution of Fines Article 87

(1) If a fine cannot be forcibly collected, the court shall execute it so that one day of imprisonment shall be ordered for two daily instalments of the fine, whereby the imprisonment may not be longer than six months.

(2) If the offender pays only part of the fine, the remaining part shall be proportionately converted into days of imprisonment; however, if the remaining part is paid, the execution of the sentence of imprisonment shall be discontinued.

(3) If the offender dies, the fine shall not be executed.

#### Release on Parole Article 88

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

(2) The offender, who has been sentenced to over fifteen years' imprisonment, may be released on parole after he has served three quarters of the sentence.

(3) The offender, who has been sentenced to life imprisonment, may be released on parole after he has served twenty-five years in prison.

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

(5) The offender may be released on parole when it is reasonable to expect that he will not repeat the criminal offence. In considering whether to release the offender on parole, they shall take into account in particular the possibility of re-offending, any criminal proceedings taking place against the offender for criminal offences committed before they started serving their prison sentence, the attitude of the offender towards the criminal offence committed and towards the victim, the offender's conduct during the serving of the sentence, the success of treatment of addiction, and the conditions for the offender's reintroduction to life outside prison.

(6) Exceptionally, the offender who has served only one third of his sentence may be released on parole if he complies with the condition under paragraph 5 of the this Article and if special circumstances referring to his personality indicate that he will not repeat the criminal offence.

(7) The offender, who shall be released on parole, may be put under custodial supervision by the court on the proposal of the body responsible for granting and denying parole. Custodial supervision shall be performed by a counsellor who shall have the same tasks as in suspended sentence with custodial supervision.

(8) The court's instructions may include the following tasks to be performed by the offender on parole:

- 1) to submit himself to a course of medical treatment at an appropriate institution, also treatment of alcohol or drug addiction with his consent;
- 2) to attend sessions of vocational, psychological, or other consultation;
- 3) to qualify for a job or to take up employment suitable to his health, skills, or inclinations;
- 4) to spend income according to the duties relating to family support;
- 5) prohibition of association with certain persons;
- 6) restraining order to keep the perpetrator away from the victim or some other person;
- 7) ban on access to certain places.

#### Revoking of Parole Article 89

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

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

parole. The court shall also revoke the parole if the parolee does not perform the tasks, which were ordered by the body responsible for granting or denying the parole.

(3) In revoking parole, the court shall impose a sentence in accordance with Article 53 and paragraph 2 of Article 55 of this Penal Code, whereby the court shall take as determined that part of the sentence, which has not yet been served.

(4) Provisions under paragraphs 1, 2 and 3 of this Article shall also apply, when the parolee is convicted of a criminal offence he had committed prior to being released on parole.

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

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

## Chapter Eleven

### STATUTE OF LIMITATIONS

#### Limitation of Criminal Prosecution Article 90

(1) Except where otherwise determine in this Penal Code, criminal prosecution is barred from taking place:

- 1) fifty years from the committing of a criminal offence, for which a prison sentence of thirty years may be imposed under the statute unless non-applicability of statute of limitations applies to the offence;
- 2) thirty years from the committing of a criminal offence, for which a prison sentence of over ten years may be imposed under the statute;
- 3) twenty years from the committing of a criminal offence, for which a prison sentence of over five years may be imposed under the statute;
- 4) ten years from the committing of a criminal offence, for which a prison sentence of over one year may be imposed under the statute;
- 5) six years from the committing of a criminal offence, for which a prison sentence of up to one year or a fine may be imposed under the statute.

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

(3) Irrespective of paragraph 1 of this Article, the time limit for statute of limitations in criminal offences against sexual inviolability and criminal offences against

marriage, family or youth, committed against a minor, shall begin when the injured person becomes an adult.

#### Progress and Interruption of the Limitation of Criminal Prosecution Article 91

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

(2) If the final judgement in the proceeding for extraordinary legal remedy is annulled, the statute of limitations in the new trial shall be two years from the annulment of the final judgement.

(3) The statute of limitation shall be suspended for the time when the prosecution may not be initiated or continued, or when the perpetrator is unreachable for state authorities.

(4) The statute of limitation shall be interrupted if the perpetrator commits a further criminal offence of the same or greater seriousness before such a period has ended; after an interruption a new period of limitation shall start.

#### Limitation of Implementation of the Sentence Article 92

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

- 1) twenty-five years from the sentence for a term of thirty years' imprisonment unless non-applicability of statute of limitations applies to the offence;
- 2) fifteen years from the sentence for a term exceeding ten years;
- 3) ten years from the sentence for a term exceeding five years;
- 4) Five years from the sentence for a term exceeding one year;
- 5) three years from the sentence for a term of up to one year or a fine.

#### Limitation of the Implementation of Accessory Sentences and Safety Measures Article 93

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

(2) The execution of revoking a driving licence as an accessory sentence shall fall under the statute of limitations upon the lapse of the period of limitation provided for the principal sentence.

(3) The implementation of the safety measures of revoking of a driving licence and the confiscation of objects shall be barred from being implemented three years from the final judgement, which imposed such a measure.

(4) The implementation of the safety measure prohibiting an offender to perform an occupation shall be barred by the lapse of time, for which such a measure has been ordered.

#### Progress and Interruption of the Limitation of the Implementation of Sentence Article 94

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

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

(3) The time limit for the implementation of a sentence of imprisonment shall be interrupted on the day the sentence is executed. If the offender escapes from the prison, the execution of the remaining part of the sentence shall not fall under the statute of limitations.

(4) Paragraph 2 of this Article shall also apply to the statute of limitations for safety measures.

#### Inapplicability of the Statute of Limitations to Criminal Offences Article 95

(1) Criminal prosecution and implementation of a sentence shall not be prevented for criminal offences, for which a life sentence may be imposed pursuant to this Penal Code, for criminal offences under Articles 100 to 105 of this Penal Code, as well as for the criminal offences, the prosecution of which may not be prevented under international agreements.

(2) Implementation of a life sentence shall not fall under the statute of limitations.

### Chapter Twelve

#### AMNESTY AND PARDON

##### Amnesty Article 96

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

#### Pardon Article 97

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

#### Application of the General Part in Amnesty and Pardon Article 98

(1) If the amnesty or pardon change the provision on a criminal sanction, the general part of this Penal Code shall apply.

(2) If a life sentence was imposed, the pardon or amnesty shall impose a sentence of imprisonment between twenty-five and thirty years.

(3) The rights of third persons shall by no means be affected by judgements connected with the granting of amnesties and pardons.

### Chapter Thirteen

#### Meaning of Terms of the Penal Code Article 99

(1) For the purpose of this Penal Code the term official shall mean:

- 1) a member of the National Assembly, a member of the National Council, and a member of a local or regional representative body;
- 2) a Constitutional Court judge, a judge, a lay judge, state prosecutor, or state defender;
- 3) a person carrying out official duties or exercising a public function with management powers and responsibilities within a state authority;
- 4) any other person exercising official duties by authorisation of the law, of by-law or of the contract on arbitration concluded on the basis of the law;
- 5) military person designated as a such with special regulations in instances, when the act is not already criminalised as a criminal offence against military duty;

- 6) a person in a foreign country carrying out legislative, executive or judicial function, or any other official duty at any level, providing that he/she meets the substantive criteria under points 1, 2, or 3 of this paragraph;
- 7) a person recognised as an official within a public international organisation providing that he/she meets the substantive criteria under points 1, 2, or 3 of this paragraph;
- 8) a person carrying out judicial, prosecutorial or other official function or duty with the international court or tribunal.

(2) For the purpose of this Penal Code the term member of the military shall mean: a private, an officer, a junior officer and person performing military service as a profession, a soldier in voluntary or involuntary military service, and a reservist of a mandatory or contract reserve on military duty.

(3) Elections, ballots and voting shall mean elections of the president of the republic, members of the National Assembly, members of the National Council, members of the European Parliament, municipal or provincial elections, and legislative referenda and other referenda prescribed by the Constitution.

(4) Extra-marital community according to this Penal Code shall mean a regular long-term living community of man and woman who are not married.

(5) A document shall denote any writing, data carrier or other object appropriate and intended to produce evidence on any fact relevant to legal relations.

(6) Movable property shall mean any form of energy generated or accumulated for the purposes of lighting, heating, radiation, drive, locomotion or transmission of voice, picture or text across distances. Unlawful handling of the objects pursuant to this provision or immovable property or parts of this property shall not count as criminal offences if the result was negligible pecuniary loss.

(7) Duress shall also mean the use of hypnosis, intoxicating drugs or other special means for this purpose in order to lead a person against his will into a state of unconsciousness or to break down his resistance.

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

(9) Property benefit, damages or value shall mean the amount during the commitment of a criminal offence which

- 1) does not exceed 500 Euros relating to small property benefit, damages or value;
- 2) does not exceed 5000 Euros relating to substantial property benefit, damages or value;
- 3) does not exceed 50,000 Euros relating to large property benefit, damages or value.

## SPECIFIC PART

## Chapter Fourteen

### CRIMINAL OFFENCES AGAINST HUMANITY

#### Genocide Article 100

(1) Whoever with the intention of destroying in whole or in part a national, ethnic, racial or religious group or gives the order:

- to kill members of the group,
- to cause serious bodily or mental harm to members of the group,
- to intentionally inflict on the group conditions of life calculated to bring about its physical destruction in whole or in part,
- to impose measures to prevent births within the group, or
- to forcibly transfer children of the group to another group

shall be sentenced to imprisonment for not less than fifteen years.

(2) The same punishment shall be imposed on whoever commits any of the acts under the previous paragraph against any group because of the reasons referred to in indent 8 of Article 101.

#### Crimes against Humanity Article 101

Whoever orders or carries out the following acts, which are part of a larger systematic attack against the civilian population and of which the perpetrators is aware:

- murder;
- extermination, which means creating such living conditions, inter alia deprivation of access to food and medical supplies, that would lead to partial destruction of population;
- enslavement, which means performing of a particular or all justifications arising from the property right over a person and also include carrying out such justification in trafficking in human beings, especially women and children;
- deportation or forcible transfer of population, which means forcible removal of people by deportation or other forcible acts from the area, in which they have been legally residing, without any reasons allowed according to international law;
- imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- torture, which means intentional infliction of severe pain, physical or mental suffering on a person whom the perpetrator detained, whereby the torture does not include pain or suffering which is exclusively the result of implementation of legal sanction or is connected thereto.
- rape, sexual slavery, enforced prostitution, forced pregnancy which means illegal detention of a woman who got pregnant by duress with the intention to affect ethnical



- structure of any population or to perform other severe violations of international law, enforced sterilization, or any other form of sexual violence of comparable gravity;
- persecution, which represents intentional or severe encroachment of fundamental rights contrary to the international law, against any identifiable group or community on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any criminal offence referred to in this Article and in Articles 100, 102 and 103;
  - forced disappearance of persons, which means capture, detention or kidnapping of a person carried out by the agents of the State or political organisation, or under its authorisation, support or consent, which then will not admit to this kind of capture or will not provide information on the fate of these persons or their location, with the purpose to deny these persons legal protection for a long period of time;
  - the crime of apartheid, which means inhumane acts of a character similar to those mentioned in this Article, committed in the context of an institutionalised regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime;
  - other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

shall be sentenced to imprisonment for not less than fifteen years.

#### War Crimes Article 102

Whoever orders or commits war crimes, especially if they are committed as part of an integral plan or policy, or as part of an extensive implementation of such crimes, namely the following:

- 1) grave breaches of Geneva Conventions on 12 August 1949 (Act on notification of succession concerning the Council of Europe conventions, the Geneva Conventions and additional protocols regarding the protection of victims of war and international agreements in the field of arms control, the depositors of which are the three main nuclear forces (Official Gazette of the Republic of Slovenia, No 14/1992)), namely any mentioned act against persons or property, which are protected by appropriate Geneva Conventions:
  - wilful killing;
  - torture or inhumane treatment, as well as biological experiments;
  - intentional causing of great suffering or serious injury to body or health;
  - extensive unlawful wanton destruction or appropriation of property;
  - forcing a prisoner of war or other protected person to serve in the forces of a hostile power;
  - depriving a prisoner of war or other protected person of a fair trial;
  - unlawful deportation or confinement;
  - taking hostages;

2) other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:

- intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
- intentionally directing attacks against civilian objects, that is, objects which are not military objectives;
- intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
- intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;
- attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;
- killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion;
- making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, or insignia or the flag of the Red Cross, or insignia that conform to them, as well as of the distinctive emblems of the Geneva Conventions or markings of cultural property according to the Hague Convention (The Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict with the Rules for its implementation (Official Gazette of FPRY - International agreements, No 4/56) and the Second Protocol to the 1954 Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict (Official Gazette of the Republic of Slovenia, No 22/2003)), resulting in death or serious personal injury;
- the transfer, directly or indirectly, by the occupying power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;
- intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
- subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;
- killing or wounding treacherously individuals belonging to the hostile nation or army;
- illegal taking of objects from the dead or wounded in the battlefield;
- declaring that no quarter will be given;

- destroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war;
- declaring abolished, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party;
- compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war;
- pillaging a town or place, even when taken by assault;
- employing poison or poisoned weapons;
- employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;
- employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;
- employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict, provided that such weapons, projectiles and material and methods of warfare are fully prohibited;
- committing outrages upon personal dignity, in particular humiliating and degrading treatment;
- committing rape, sexual slavery, enforced prostitution, forced pregnancy which means illegal detention of a woman who got pregnant by duress with the intention to affect ethnical structure of any population or to perform other grave breaches of international law, enforced sterilization, or any other form of sexual violence, also constituting a grave breach of the Geneva Conventions;
- utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations;
- use of cultural property under extended protection or their immediate surroundings to support military actions;
- intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions;
- intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions;
- conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities;

3) in the case of an armed conflict not of an international character, which, however, does not constitute internal disturbance and tensions like riots, individual and occasional acts of violence and other similar acts, serious violations of Article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause:

- violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
  - committing outrages upon personal dignity, in particular humiliating and degrading treatment;
  - taking hostages;
  - the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable;
- 4) other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:
- intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
  - intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
  - intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations (Act on notification of succession concerning the Council of Europe conventions, for which the USA government is the depositary, the Hague Conventions, and the intellectual property conventions (Official Gazette of the Republic of Slovenia, No 24/1992)), as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
  - intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
  - pillaging a town or place, even when taken by assault;
  - committing rape, sexual slavery, enforced prostitution, forced pregnancy which means illegal detention of a woman who got pregnant by duress with the intention to affect ethnical structure of any population, enforced sterilization, or any other form of sexual violence, also constituting a grave breach of Article 3, common to the four Geneva Conventions;
  - conscripting or enlisting children under the age of fifteen years into the armed forces or groups, or using them to participate actively in hostilities;
  - ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand;
  - killing or wounding treacherously a combatant adversary;
  - declaring that no quarter will be given;
  - subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;

- destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict;

shall be sentenced to imprisonment for not less than fifteen years.

#### Aggression Article 103

Any person who commits the act of aggression, defined in accordance with the international law, shall be sentenced to imprisonment for not less than fifteen years.

#### Liability of Military Commanders and Other Superiors Article 104

(1) A military commander shall be sentenced to imprisonment between one and eight years for criminal offences referred to in Articles 100 to 103 of this Penal Code, which were committed by the units under his actual command and control, because he did not correctly perform control over these units and did not carry out all appropriate and required measures within his competences to prevent or stop these criminal offences or he failed to submit the matter to the competent authorities for investigation and persecution, even though he knew his units committed or could have committed in given circumstances such criminal offences.

(2) Any person who actually acts as a military commander or who actually performs management duties or supervision in a civilian organisation or company shall be sentenced in the same manner for the actions referred to in the previous paragraph.

(3) A military commander or person who actually acts as a military commander or who actually performs management duties or supervision in a civilian organisation or company, who should or would have to know that his units committed or would commit under the given circumstances criminal offences under Articles 100 to 103 of this Penal Code, shall be sentenced with imprisonment between six months and five years for the actions referred to in previous paragraphs.

#### Association and Incitement to Genocide, Crimes against Humanity or Aggression Article 105

(1) Whoever establishes a criminal organisation to commit criminal offences under Articles 100 to 103 of this Penal Code shall be sentenced with imprisonment between one and ten years.

(2) Any person who becomes a member of the organisation referred to in the previous paragraph shall be sentenced with imprisonment between six months and five years.

(3) The perpetrator of the criminal offence under paragraphs 1 or 2 of this Article, who prevents the committing of criminal offences specified in paragraph 1 or declared the offence in due time, shall be sentenced with imprisonment of up to three years, or the sentence may also be remitted.

(4) Whoever incites or instigates to directly commit the criminal offences under Articles 100 to 103 of this Penal Code shall be sentenced with imprisonment between six months and five years.

#### Conscripting of Mercenaries or Persons under 18 Years of Age Article 106

(1) Any person who during wartime, armed conflict or occupation or when carrying out or supporting the policy of a state or organisation as part of a larger systematic attack orders or carries out the conscription of persons under 18 years of age into national or other armed forces and their exploitation for active participation in hostilities shall be sentenced with imprisonment between ten years and fifteen years.

(2) Any person who conscripts, trains or finances the conscription of mercenaries shall be sentenced with imprisonment of up to three years.

#### Unjustified Postponement of Repatriation of Prisoners of War or Civilians Article 107

Whoever by violating the rules of international law after the end of a war or armed conflict, or who orders to postpone or he himself postpones repatriation of prisoners of war or civilians, shall be sentenced with imprisonment between six months and five years.

#### Terrorism Article 108

(1) Whoever with the intention to destroy or severely jeopardise the constitutional, social, or political foundations of the Republic of Slovenia or another country or international organisation, to arouse fright among the population or to force the Government of the Republic of Slovenia or another country or international organisation to perform or stop performing something, to perform or threaten to perform one or more of the following actions:

- assault on life or body or human rights and freedoms,
- taking hostages,

- considerable destruction of state or public buildings or representations of foreign states, transport system, infrastructure, information system, secured platforms in the continental shelf, public place or private property,
- hijacking of an aircraft, ship or public transport,
- production, possession, purchase, transport, supply or use of weapons, explosives, nuclear, biological or chemical weapons,
- research and development of nuclear, biological or chemical weapons,
- endangering security by releasing hazardous substances or causing fires, floods or explosions,
- disturbance or termination of supply with water, electrical energy or other basic natural resources, which could endanger human life,

shall be sentenced to imprisonment between three and fifteen years.

(2) Whoever wants to achieve the purpose referred to in the previous paragraph by using or threatening to use nuclear or other radioactive substance or device, by damaging a nuclear facility by releasing radioactive substance or enabling its release, or who by threatening or using force demands nuclear or other radioactive substance, device or facility shall be sentenced to imprisonment of up to fifteen years.

(3) Whoever prepares or helps to prepare criminal offences referred to in the previous paragraphs by illegally obtaining the required means to commit these criminal offences or by blackmailing prepares someone else to participate in these criminal offences, or whoever falsifies official or public documents required to commit these criminal offences shall be sentenced to imprisonment between one and eight years.

(4) If the act under paragraphs 1 or 2 results in death of one or more persons, the perpetrator shall be sentenced to imprisonment between eight and fifteen years.

(5) If the perpetrator in committing offences under paragraphs 1 or 2 of this Article intentionally takes the life of one or more persons, he shall be sentenced to imprisonment of at least fifteen years.

(6) If the act under paragraphs 1 or 2 of this Article was committed by a criminal organisation or group, which has the intention to commit criminal offences (hereinafter, terrorist organisation or group) specified in these paragraphs, it shall be sentenced to imprisonment between eight and fifteen years.

(7) Whoever participates in a terrorist organisation or group, which has the intention to commit criminal offences under paragraphs 1, 2, 4 or 5 of this Article, shall be sentenced to imprisonment of no more than eight years.

(8) Any person who establishes or leads the organisation referred to in the previous paragraph shall be sentenced with imprisonment of at least fifteen years.

## Financing of Terrorist Activities

## Article 109

(1) Whoever provides or collects money or property in order to partly or wholly finance the committing of offences under Article 108 of this Penal Code shall be sentenced to imprisonment between one and ten years.

(2) Whoever commits an offence from the preceding paragraph shall be subject to the same penalty even if the money or property provided or collected was not used for committing the criminal offences specified in the preceding paragraph.

(3) If an offence from the preceding paragraphs was committed within a terrorist organisation or group to commit terrorist acts, the perpetrator shall be sentenced to imprisonment between three and fifteen years.

(4) Money and property from the preceding paragraphs shall be seized.

## Incitement and Public Glorification of Terrorist Activities Article 110

(1) Whoever incites commitment of criminal offences under Article 108 of this Penal Code and therefore propagates messages or makes them available to other persons in some other manner with the intention to promote terrorist criminal offences and thus causes danger that one or more such criminal offences would be committed, shall be sentenced to imprisonment between one and ten years.

(2) Whoever directly or indirectly publicly glorifies or advocates criminal offences under Article 108 or the criminal offence referred to in the preceding paragraph by, with the purpose under preceding paragraph, propagating messages or making them available to the public and therefore cause danger that one or more such criminal offences would be committed, shall be punished in the same manner.

(3) Persecution for criminal offences under preceding paragraphs shall be initiated with the permission by the Minister of Justice.

## Conscripting and Training for Terrorist Activities Article 111

(1) Whoever conscripts for terrorist activities by encouraging another person to commit criminal offences under Article 108 of this Penal code, or participate in the order of such terrorist act, or joining a terrorist organisation or group to commit terrorist acts, which this criminal organisation or group commits, shall be sentenced to imprisonment between one and ten years.

(2) Whoever trains others for criminal offences under Article 108 of this Penal Code by providing instructions to manufacture and use explosives, firearms or other



weapons, harmful or hazardous substances, trains them for other special methods or technology to perform or participate in a terrorist act, shall be punished in the same manner.

#### Enslavement Article 112

(1) Whoever, in violation of international law, brings another person into slavery or a similar condition, or keeps another person in such a condition, or buys, sells or delivers another person to a third party, or brokers the buying, selling or delivery of another person, or urges another person to sell his freedom or the freedom of the person he supports or looks after, shall be sentenced to imprisonment between one and ten years.

(2) Whoever transports persons held in the condition of slavery or in similar condition from one country to another, shall be sentenced to imprisonment between six months and five years.

(3) Whoever commits the offence under paragraphs 1 or 2 of this Article against a minor shall be sentenced to imprisonment between three and fifteen years.

#### Trafficking in Human Beings Article 113

(1) Whoever purchases another person, takes possession of them, accommodates them, transports them, sells them, delivers them or uses them in any other way, or acts as a broker in such operations, for the purpose of prostitution or another form of sexual exploitation, forced labour, enslavement, service or trafficking in organs, human tissue or blood shall be given a prison sentence of between one and ten years.

(2) If an offence from the preceding paragraph was committed against a minor or with force, threats, deception, kidnapping or exploitation of a subordinate or dependent position, or in order to force a victim to become pregnant or be artificially inseminated, shall be given a prison sentence of between three and fifteen years.

(3) Whoever carries out an offence from paragraphs 1 and 2 of this Article as a member of a criminal organisation to commit such offences, or if a large pecuniary benefit was gained through committing the offence, the perpetrator shall be subject to the same punishment as specified in the preceding paragraph.

#### Banned Creation of Living Beings Article 114

(1) Whoever manufactures or participates in manufacturing or attempts to manufacture or crossbreed human beings or other species, which is harmful for the humankind and banned according to the regulations and international law, shall be sentenced to imprisonment between five and fifteen years.

(2) If the act referred to in the preceding paragraph concerns creation of a human being, who is genetically identical with another living or dead human being, creation of human embryos for research, industrial or commercial purposes, or exchange of important human body parts or organs, which is banned according to the regulations and international law, the perpetrator shall be sentenced to imprisonment between ten and fifteen years.

(3) Whoever performs genetic research, which could forecast hereditary diseases or enable determination of carrying the gene responsible for the disease, or identify genetic predisposition or susceptibility to a disease, but the research is not performed exclusively for medical purposes or as medical research for medical purposes, or whoever in conducting research abandons appropriate genetic consultancy or, by violating regulations, conducts research in the field of biology and medicine, which are banned according to the regulations and international law, shall be punished with a fine or sentence of imprisonment of not more than three years.

(4) Whoever endangers the integrity or life of a human embryo during research on human embryos shall be punished in the same manner as in the preceding paragraph.

(5) Whoever enables act under paragraphs 1 or 2 of this Article by providing financing, buildings, devices or material to create living beings or to crossbreed them, by recruiting co-workers, or different organisation of the creation shall be sentenced to imprisonment between three and ten years.

## Chapter Fifteen

### CRIMINAL OFFENCES AGAINST LIFE AND LIMB

#### Manslaughter Article 115

(1) Whoever takes the life of another human being shall be sentenced to imprisonment between five and fifteen years.

(2) If two or more persons, who joined in order to commit manslaughter, commit the offence under the preceding paragraph, the perpetrator shall be sentenced to imprisonment between ten and fifteen years.

#### Murder

## Article 116

Whoever murders another human being by taking his life

- 1) in a cruel or perfidious manner;
- 2) due to taking action in official acts to protect public security, or in a pre-trial criminal procedure, or due to decisions of state prosecutors, or due to the proceeding and decisions of judges, or due to criminal complaint, or testimony in a court proceeding;
- 3) because of violation of equality;
- 4) out of desire to murder, out of greed, in order to commit or to conceal another criminal offence, out of unscrupulous vengeance, or from other base motives;
- 5) with the act committed within a criminal organisation to commit such offences,

shall be sentenced to imprisonment for not less than fifteen years.

## Voluntary Manslaughter Article 117

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

## Negligent Homicide Article 118

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

## Infanticide Article 119

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

## Solicitation to and Assistance in Suicide Article 120

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

(2) Whoever commits the offence under the preceding paragraph against a minor above fourteen years of age or against a person whose ability to understand the

meaning of his act or to control his conduct was substantially diminished shall be sentenced to imprisonment for not less than one and not more than ten years.

(3) In the event of the offence under paragraph 1 of the this Article being committed against a minor under fourteen years of age or against a person who was not capable of understanding the meaning of his act or of controlling his conduct shall be punished according to the prescription for murder.

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

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

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

#### Illegal Abortion Article 121

(1) Whoever performs or commences to perform an abortion upon a pregnant woman with her consent or assists her in inducing the abortion in a manner not congruous with medical practice and methods of termination of pregnancy, specified by law, shall be sentenced to imprisonment between six months and five years.

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

(3) Whoever affects the selection of gender of the future child by using fertilisation method with medical assistance, unless in order to avoid severe hereditary disease connected to gender, shall be sentenced to imprisonment of not more than three years.

(4) Whoever illegally performs the procedure of fertilisation with biomedical assistance due to surrogate motherhood shall be punished in the same manner as in the preceding paragraph of this Article.

(5) Whoever trades in sperm cells, unfertilised egg cells and early human embryos shall be punished in the same manner as in paragraph 3 of this Article.

(6) If the act under preceding paragraphs results in severe bodily harm of the woman, the perpetrator shall be sentenced to imprisonment between one and ten years.

(7) If because of the act under paragraphs 1, 2 or 3 of this Article the woman dies, the perpetrator shall be sentenced to imprisonment between three and fifteen years.

#### Actual Bodily Harm Article 122

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

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

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

(4) The prosecution of the offence under paragraph 1 of this Article shall be initiated upon a complaint.

#### Aggravated Bodily Harm Article 123

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

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

(3) Whoever commits the offence under paragraph 1 of this Article by negligence shall be sentenced to imprisonment for not more than two years.

(4) The perpetrator, who commits the offence under paragraphs 1 or 2 of this Article through no fault of his own and in the sudden heat of passion provoked by

assault or grave insult from the injured person shall be sentenced to imprisonment for not more than three years.

#### Grievous Bodily Harm Article 124

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

(2) If the injury under the preceding paragraph results in the death of the injured person, the perpetrator shall be sentenced to imprisonment between three and fifteen years.

(3) Whoever commits the offence under paragraph 1 of this Article by negligence shall be sentenced to imprisonment for not more than three years.

(4) The perpetrator, who commits the offence under paragraphs 1 or 2 of this Article through no fault of his own and in a sudden heat of passion provoked by assault or grave insult from the injured person, shall be sentenced to imprisonment for not less than six months and not more than five years.

#### Exclusion of Criminal Offence in Bodily Harm with the Consent of the Injured Person Article 125

(1) Causing actual bodily harm (Article 122) shall not be illegal if the injured person gave his consent. In this event, the consent of the person representing the minor or helpless person in accordance with the law and caring for their health shall be considered.

(2) Intentional infliction of aggravated (Article 123) or grievous (Article 124) bodily harm shall be illegal if the injured person gave his consent and providing that interests of another person were not affected or that a common legal value was not endangered.

(3) Irrespective of the preceding paragraph, intentional infliction of aggravated or grievous bodily harm during medical treatment or medical activity shall not be illegal if the consent was given in the form and under the conditions stipulated by law.

(4) If the injured person recalls his consent during the commitment of the criminal offence of aggravated or grievous bodily harm, it shall not affect the exclusion of illegality of the acts under the preceding paragraph; in the cases under paragraph 2 of

this Article the perpetrator, who did not finish the initiated act, shall not be punished for the attempt thereof or for the finished act of actual bodily harm, included in the attempt to commit an act of aggravated bodily harm.

Participation in Brawl  
Article 126

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

Endangering Life by Means of Dangerous Instruments in Brawl or Quarrel  
Article 127

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

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

Exposure of Another Person to Danger  
Article 128

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

Abandonment of Helpless Person  
Article 129

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

Failure to Render Aid  
Article 130

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

## Chapter Sixteen

### CRIMINAL OFFENCES AGAINST HUMAN RIGHTS AND LIBERTIES

#### Violation of Right to Equality Article 131

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

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

(3) In the event of the offence under paragraphs 1 or 2 of this Article being committed by an official through the abuse of office or official authority, such an official shall be sentenced to imprisonment for not more than three years.

#### Criminal Coercion Article 132

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

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

#### False Imprisonment Article 133

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

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





(3) Any attempt to commit the offence under paragraphs 1 and 2 of this Article shall be punished.

(4) The prosecution of the offence under paragraph 1 of this Article shall be initiated upon a complaint.

#### Unlawful Eavesdropping and Sound Recording Article 137

(1) Whoever unlawfully eavesdrops on or records a private conversation or statement by use of special devices, or whoever directly transmits such a conversation or statement to a third person or otherwise directly allows him to learn of such a conversation or statement shall be punished by a fine or sentenced to imprisonment for not more than one year.

(2) Whoever records another person's private confidential statement without his consent in order to abuse such a statement, or whoever directly transmits or presents such a statement to a third person or otherwise directly allows him to learn of it, shall be punished in accordance with the preceding paragraph.

(3) If any of offences under paragraphs 1 or 2 of the this Article is committed or attempted by an official through the abuse of office or official authority, such an official shall be sentenced to imprisonment for not less than three months and not more than five years.

(4) The prosecution of the offence under paragraph 1 of this Article shall be initiated upon a complaint, while the prosecution of the offence under paragraph 2 shall be initiated upon a private action.

#### Unlawful Visual Recording Article 138

(1) Whoever substantially interferes with another person's privacy by taking unauthorised photographs or other visual recordings of that person or his premises without his consent, or whoever transmits or presents such photographs or recordings to a third person or otherwise allows a third person to see such photographs or recordings shall be punished by a fine or sentenced to imprisonment for not more than one year.

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

(3) The prosecution of the offence under paragraph 1 of this Article shall be initiated upon a complaint.

Violation of Secrecy of Means of Communication  
Article 139

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

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

- 1) whoever, by use of technical instruments or chemical agents, learns of the content of a foreign letter, telegram or any other sealed piece of writing or consignment belonging to others without opening it;
- 2) whoever, by use of technical instruments, learns of the content of a message transmitted by telephone or any other means of electronic telecommunication;
- 3) whoever opens any closed object, in which a message is kept, and is thereby informed of the content of such message.

(3) Whoever, by committing any of the offences under paragraphs 1 and 2 of this Article, allows a third person to be informed of the content of a consignment or message shall be punished in accordance with the preceding paragraph.

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

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

(6) The prosecution of the offences under paragraphs 1 to 4 of this Article shall be initiated upon a complaint.

Unlawful Publication of Private Writings  
Article 140

(1) Whoever publishes a diary, letter or any other private piece of writing belonging to others without their official permission shall be punished by a fine or sentenced to imprisonment for not more than one year.

(2) The prosecution shall be initiated upon a private action.

Criminal Trespass  
Article 141

(1) Whoever without authorisation enters into a foreign dwelling or other closed premises, or whoever remains therein in defiance of an order to leave issued by the authorised person shall be punished by a fine or sentenced to imprisonment for not more than one year.

2) Whoever searches such a dwelling or premises without authorisation shall be punished in accordance with paragraph 1 of this Article.

(3) If the offence under paragraphs 1 or 2 of this Article is committed by an official through the abuse of office or official authority, such an official shall be sentenced to imprisonment for not less than three months and not more than five years.

(4) Any attempt to commit the offence under paragraphs 1, 2 and 3 of this Article shall be punished.

(5) If the Court imposes a suspended sentence, it may order the perpetrator to vacate the dwelling or premises in a certain time limit.

(6) The prosecution of the offence under paragraphs 1 and 2 of this Article shall be initiated upon a complaint.

Unlawful Disclosure of Professional Secrecy  
Article 142

(1) Whoever unlawfully discloses a secret which he has become party to in his position as a counsel for the defence, lawyer, doctor, priest, social worker or psychologist or by way of performing any other profession shall be punished by a fine or sentenced to imprisonment for not more than one year.

(2) No penalty shall be imposed on persons who commit such acts from the preceding paragraph where the disclosure of a secret is made for the general good or for some other person's benefit, and where the good or benefit therein is greater than that of withholding the secret.

(3) The prosecution shall be initiated upon a private action.

Abuse of Personal Data  
Article 143

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

personal data relate, shall be punished by a fine or sentenced to imprisonment for not more than one year.

(2) Whoever breaks into a computer database in order to acquire personal data for his or a third person's use shall be punished in accordance with the preceding paragraph.

(3) Whoever publishes on the World Wide Web or enables another person to publish personal data of victims of criminal offences, victims of violation of rights and liberties, protected witnesses, which are contained in judicial records of court proceedings, in which the presence of the public or witness identification or protected witnesses and personal records thereof related to the court proceeding was not allowed according to the law or court decision, on the basis of which these persons may be identified or are identifiable, shall be sentenced to imprisonment for not more than three years.

(4) Whoever assumes the identity of another person and under its name exploits their rights, gains property benefits or damages their personal dignity shall be sentenced to imprisonment between three months and three years.

(5) If any offence from the preceding paragraphs of this Article is committed by an official through the abuse of office or official authority, such an official shall be sentenced to imprisonment for not more than five years.

(6) The prosecution under paragraph 3 of this Article shall be initiated upon a complaint.

#### Violation of Right to Appeal Article 144

(1) Whoever, in performing his duties, prevents another person from exercising the right to appeal, to plea or to seek other legal remedies, applications or complaints, or from the initiation of any political or other motive of public interest shall be punished by a fine or sentenced to imprisonment for not more than one year.

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

#### Obstruction or Disruption of Public Meeting Article 145

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

(2) If the offence under paragraph 1 of this Article is committed by an official through the abuse of office or official authority, such an official shall be sentenced to imprisonment for not more than two years.

#### Prevention of Printing and Transmission Article 146

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

#### Violation of Moral Copyright Article 147

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

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

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

#### Violation of Material Copyright Article 148

(1) Whoever uses with the purpose to sell and without authorisation one or more copyrighted works or copies thereof of a high total market value shall be given a prison sentence of up to three years.

(2) If the market value of copyrighted works from the preceding paragraph is very high, the perpetrator shall be given a prison sentence of up to five years.

(3) If a very large pecuniary benefit has been unlawfully gained through committing an offence under paragraphs 1 or 2 of this Article and the perpetrator's intention was to secure this pecuniary benefit for himself or another person, the perpetrator shall be given a prison sentence of between one and eight years.

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

Violation of Copyright and Related Rights  
Article 149

(1) Whoever reproduces, makes available to the public, distributes or leases one or more performances, phonograms, video recordings, radio and television broadcasts or databases of a high total market value and without authorisation shall be given a prison sentence of up to three years.

(2) Whoever reproduces, makes available to the public, distributes or leases one or more performances, phonograms, video recordings, radio and television broadcasts or databases of a very high total market value and without authorisation shall be given a prison sentence of up to five years.

(3) If a very large pecuniary benefit has been unlawfully gained through committing an offence under paragraphs 1 or 2 of this Article and the perpetrator's intention was to secure this pecuniary benefit for himself or another person, the perpetrator shall be given a prison sentence of between one and eight years.

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

Chapter Seventeen

CRIMINAL OFFENCES AGAINST VOTING RIGHTS AND ELECTIONS

Violation of Voting Rights  
Article 150

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

Obstruction of Freedom of Choice  
Article 151

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

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

(3) The bribe, which has been given, shall be seized.

Abuse of Voting Rights  
Article 152

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

Violation of Free Determination  
Article 153

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

Destruction or Forgery of Electoral Documents  
Article 154

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

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

Falsification of the Results of Election or Ballot  
Article 155

An official who at an election or ballot alters the number of votes cast by adding or taking away any voting bill or vote, or who publishes the results of the election or ballot, which do not correspond to actual returns, shall be sentenced to imprisonment for not more than two years.

Obstruction of Secrecy of Ballot  
Article 156

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



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

Acceptance of Bribe during the Election or Ballot  
Article 157

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

(2) The accepted award, gift or other material or non-material gain shall be seized.

Chapter Eighteen

CRIMINAL OFFENCES AGAINST HONOUR AND REPUTATION

Insult  
Article 158

(1) Whoever insults another person shall be punished by a fine or sentenced to imprisonment for not more than three months.

(2) If the offence under the preceding paragraph has been committed through the press, radio, television or other means of public information or at a public assembly, the perpetrator shall be punished by a fine or sentenced to imprisonment for not more than six months.

(3) Whoever expresses words offensive to another person in a scientific, literary or artistic work, in a serious piece of criticism or in the exercise of official duty, in a piece of journalism, in the course of political or other social activity, or in the defence of a right or protection of justified benefits shall not be punished, provided that the manner of expressing such words or that the other circumstances of the case indicate that his expression was not meant to be derogatory.

(4) If the injured person has returned the insult, the Court may punish both parties, or one of them, or may remit the punishment.

Slander  
Article 159

(1) Whoever asserts or circulates anything false about another person, which is capable of damaging his honour or reputation and which he knows to be false, shall be punished by a fine or sentenced to imprisonment for not more than six months.

(2) If the offence under the preceding paragraph has been committed through the press, radio, television or other means of public information or at a public assembly, the perpetrator shall be punished by a fine or sentenced to imprisonment for not more than one year.

(3) If that which has been asserted or circulated is of such a nature that it may bring about grave consequences for the slandered person, the perpetrator shall be sentenced to imprisonment for not more than two years.

#### Defamation Article 160

(1) Whoever asserts or circulates anything false about another person, which is capable of causing damage to the honour or reputation of that person, shall be punished by a fine or sentenced to imprisonment for not more than three months.

(2) If the offence under the preceding paragraph has been committed through the press, radio, television or other means of public information or at a public assembly, the perpetrator shall be punished by a fine or sentenced to imprisonment for not more than six months.

(3) If what has been asserted or circulated is of such a nature that it may bring about grave consequences for the defamed person, the perpetrator shall be punished by a fine or sentenced to imprisonment for not more than one year.

(4) If the perpetrator proves either the truth of his assertions or that he had reasonable grounds to believe in the truthfulness of what has been asserted or circulated, he shall not be punished for defamation but may be punished either for insult (Article 158) or for falsely and scornfully accusing someone of a crime (Article 162).

(5) The truthfulness of any assertion that a person has committed a criminal offence for which the perpetrator is prosecuted *ex officio* may only be proved by means of a final judgement. Other evidence may be allowed to prove such an assertion only when prosecution or trial before a Court are not possible or permitted.

(6) If the defamation asserting that the injured person has committed a criminal offence, for which the perpetrator is prosecuted *ex officio*, has been committed in circumstances under paragraph 3 of Article 158 of this Penal Code, the perpetrator shall not be punished for defamation even without the existence of a final judgement if he can prove that he had a justified reason to believe that what he had been asserting or circulating was true.

Calumny  
Article 161

(1) Whoever asserts or circulates any matter concerning personal or family affairs of another person, which is capable of injuring that person's honour and reputation, shall be punished by a fine or sentenced to imprisonment for not more than three months.

(2) If the offence under the preceding paragraph has been committed through the press, radio, television or other means of public information or at a public assembly, the perpetrator shall be punished by a fine or sentenced to imprisonment for not more than six months.

(3) If what has been asserted or circulated is of such a nature that it may bring about grave consequences for the defamed person, the perpetrator shall be punished by a fine or sentenced to imprisonment for not more than one year.

(4) Except in cases under paragraph 5 of this Article, it shall not be permitted to ascertain in court whether what has been asserted or circulated from the personal or family life of another person is true or false.

(5) Whoever asserts or circulates any matter concerning the personal or family affairs of another person in the exercise of official duty, political or other social activity, the defence of a right or the protection of justified benefits, shall not be punished, provided that he proves either the truth of his assertions or that he had reasonable grounds for believing in the truthfulness of what has been asserted or circulated.

Malicious False Accusation of Crime  
Article 162

(1) Whoever calumniates another person by asserting that he has committed a criminal offence or been convicted for the same with the intention of exposing that person to scorn, or whoever communicates such a fact to a third person with the same intention shall be punished by a fine or sentenced to imprisonment for not more than three months.

(2) If the offence under the preceding paragraph has been committed through the press, radio, television or other means of public information or at a public assembly, the perpetrator shall be punished by a fine or sentenced to imprisonment for not more than six months.

Insult to the Republic of Slovenia  
Article 163

(1) Whoever publicly commits any of the offences under Articles 158 to 162 of this Penal Code against the Republic of Slovenia or against the President of the Republic with respect to the exercising of his duties shall be punished by a fine or sentenced to imprisonment for not more than one year.

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

#### Insult to Foreign Country or International Organisation Article 164

(1) Whoever commits in public any of the offences under Articles 158 - 162 of this Penal Code against a foreign country, its head of state or its diplomatic ambassador, or whoever publicly desecrates the flag, coat-of-arms or national anthem of a foreign country shall be punished by a fine or sentenced to imprisonment for not more than one year.

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

#### Insult to the Slovenian People or National Communities Article 165

Whoever publicly commits any of the offences under Articles 158 - 160 of this Penal Code against the Slovenian people or against the Hungarian or Italian national communities living in the Republic of Slovenia shall be punished by a fine or sentenced to imprisonment for not more than one year.

#### Public Notice of Criminal Offences against Honour and Reputation Article 166

(1) The responsible editor or the person acting in his place shall be punished within limits of the sentence prescribed for the offence for criminal offences under Articles 158 to 165 of this Penal Code, which were committed by public notice of these acts in newspapers and magazines, radio and television programmes, electronic publications, on teletext or in other forms of daily or periodical publications, or on websites, unless it concerned a live broadcast of a show and the responsible editor or the person acting in his place could not prevent these acts.

(2) A publisher or printer shall be punished in the same manner if the public notice of the criminal offences under Articles 158 to 165 of this Penal Code was committed in non-periodical printed publications, as well as a manufacturer if the public

notice was committed on a record, CD, DVD, in a film or by other video, audio or other means intended for a broader circle of people.

Remission of Punishment for Criminal Offences Under Articles 158 to 162  
Article 167

If the perpetrator of a criminal offence under Articles 158 to 162 and Article 166 of this Penal Code has been provoked by the indecent or brutal conduct of the injured person, or if he offers an apology to him before the Court, or if he retracts what he has been asserting or circulating before the Court, his punishment may be remitted.

Special Provisions Regarding the Prosecution  
Article 168

(1) The prosecution of criminal offences under Articles 158 to 162 and Article 166 of this Penal Code shall be initiated upon a private action.

(2) If the offences under Articles 158 to 162 and Article 166 of this Penal Code have been committed against a state authority or municipal or provincial authority or against an official or military persons in relation to the exercising of their office, the prosecution shall be initiated upon a complaint.

(3) The prosecution for the criminal offence under Article 164 of this Penal Code shall be initiated by permission of the Minister of Justice.

(4) If the offences under Articles 158 to 162 and Article 166 of this Penal Code have been committed against a deceased person, the prosecution shall be initiated upon a private action brought by his spouse, extra-marital partner, partner from registered same-sex civil partnership, children or adopted children, parents or adoptive parents, or brothers or sisters.

Publication of Judgement  
Article 169

In convicting an offender for criminal offences under Articles 158 to 165 of this Penal Code committed through radio, television or other public media and upon a request lodged by the injured person, the Court may order that the whole judgement or a part thereof be published at the expense of the perpetrator in such a manner as was employed for the committing of the offence, fully or partly.

Chapter Nineteen

CRIMINAL OFFENCES AGAINST SEXUAL INTEGRITY

Rape  
Article 170

(1) Whoever compels a person of the same or opposite sex to submit to sexual intercourse with him by force or threat of imminent attack on life or limb shall be sentenced to imprisonment for not less than one and not more than ten years.

(2) If the offence under the preceding paragraph has been committed in a cruel or extremely humiliating manner or successively by several perpetrators or against offenders serving sentence or other persons whose personal freedom was taken away, the perpetrator(s) shall be sentenced to imprisonment for not less than three and not more than fifteen years.

(3) Whoever compels a person of the same or opposite sex to submit to sexual intercourse by threatening him/her with large loss of property to him/her or to his/her relatives or with the disclosure of any matter concerning him/her or his/her relatives which is capable of damaging his/her or his/her relatives' honour and reputation shall be sentenced to imprisonment for not less than six months and not more than five years.

(4) If offences under paragraphs 1 or 3 of this Article have been committed against a spouse or an extra-marital partner or partner of a registered same-sex civil partnership, the prosecution shall be initiated upon a complaint.

Sexual Violence  
Article 171

(1) Whoever uses force or threatens a person of the same or opposite sex with imminent attack on life or limb thereby compelling that person to submit to any lewd act not covered by the preceding Article or to perform such an act shall be sentenced to imprisonment for not less than six months and not more than ten years.

(2) If the offence under the preceding paragraph has been committed in a cruel or extremely humiliating manner or successively by several perpetrators or against offenders serving sentence or other persons whose personal freedom was taken away, the perpetrator(s) shall be sentenced to imprisonment for not less than three and not more than fifteen years.

(3) Whoever compels a person of the same or opposite sex to perform or submit to any lewd act by threatening him/her with a large loss of property to him/her or to his/her relatives or with the disclosure of any matter concerning him/her or his/her relatives which is capable of damaging his/her or his/her relatives' honour and reputation shall be sentenced to imprisonment for not more than five years.

(4) If offences under paragraphs 1 or 3 of this Article have been committed against a spouse or an extra-marital partner or partner of a registered same-sex civil partnership, the prosecution shall be initiated upon a complaint.

#### Sexual Abuse of Defenceless Person Article 172

(1) Whoever has sexual intercourse or performs any lewd act with a person of the same or opposite sex by abusing the fact of his/her mental disease, temporary or graver mental disorder or sickness or any other state, owing to which that person is not capable of resisting, shall be sentenced to imprisonment for not less than one and not more than eight years.

(2) Whoever, under circumstances under the preceding paragraph, violates the sexual integrity of another person in any other way shall be sentenced to imprisonment for not more than five years.

#### Sexual Assault on a Person Below Fifteen Years of Age Article 173

(1) Whoever has sexual intercourse or performs any lewd act with a person of the same or opposite sex under the age of fifteen years shall be sentenced to imprisonment for not less than three and not more than eight years.

(2) Whoever commits the offence under the preceding paragraph against the defenceless person under the age of fifteen or by threatening him/her with imminent attack on life or limb shall be sentenced to imprisonment for not less than five and not more than fifteen years.

(3) A teacher, educator, guardian, adoptive parent, parent, priest, doctor or any other person who through the abuse of his position has sexual intercourse or performs any lewd act with a person under the age of fifteen and whom he is entrusted to teach, educate, protect or care for shall be sentenced to imprisonment for not less than three and not more than ten years.

(4) Whoever, under circumstances under paragraphs 1, 2 or 3 of this Article, violates the sexual integrity of the person under the age of fifteen years shall be sentenced to imprisonment for not more than five years.

#### Violation of Sexual Integrity by Abuse of Position Article 174

(1) Whoever, by abusing his position, induces his subordinate or a person of the same or different sex who depends on him to have sexual intercourse with him or to

perform or submit to any lewd act shall be sentenced to imprisonment for not more than five years.

(2) A teacher, educator, guardian, adoptive parent, parent or any other person who through the abuse of his position has sexual intercourse or performs any lewd act with a person above the age of fifteen whom he is entrusted to teach, educate, protect or care for shall be sentenced to imprisonment for not less than one and not more than eight years.

#### Exploitation through Prostitution Article 175

(1) Whoever participates for exploitative purposes in the prostitution of another or instructs, obtains or encourages another to engage in prostitution with force, threats or deception shall be given a prison sentence of between three months and five years.

(2) If an offence from the preceding paragraph is committed against a minor, against more than one person or as part of a criminal organisation, the perpetrator shall be given a prison sentence of between one and ten years.

#### Presentation, Manufacture, Possession and Distribution of Pornographic Material Article 176

(1) Whoever sells, presents or publicly exhibits documents, pictures or audiovisual or other items of a pornographic nature to a person under fifteen years of age, enables them to gain access to these in any other way or shows them a pornographic or other sexual performance shall be given a fine or a prison sentence of up to two years.

(2) Whoever abuses a minor in order to produce pictures or audiovisual or other items of a pornographic or other sexual nature, or uses them in a pornographic or other sexual performance or is knowingly present at such performance, shall be given a prison sentence of between six months and five years.

(3) Whoever produces, distributes, sells, imports or exports pornographic or other sexual material depicting minors or their realistic images, supplies it in any other way, or possesses such material, or discloses the identity of a minor in such material shall be subject to the same sentence as in the preceding paragraph.

(4) If an offence from paragraphs 2 or 3 of this Article was committed within a criminal organisation for the committing of such criminal offences, the perpetrator shall be given a prison sentence of between one and eight years.

(5) Pornographic or other sexual material from paragraphs 2, 3 or 4 of this Article shall be seized or its use appropriately disabled.



## Chapter Twenty

### CRIMINAL OFFENCES AGAINST PUBLIC HEALTH

#### Spreading of Contagious Diseases Article 177

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

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

(3) Whoever commits the offence under paragraphs 1 or 2 of this Article by negligence shall be punished by a fine or sentenced to imprisonment for not more than six months.

(4) If the act under paragraphs 1, 2 or 3 of this Article results in death of one or more persons, the perpetrator shall be sentenced to imprisonment for not more than eight years for the offence under paragraphs 1 or 2 and for not more than five years for the offences under paragraph 3.

#### Failure to Render Medical Aid Article 178

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

#### Negligent Medical and Alternative Medical Treatment Article 179

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

(2) The same punishment shall be imposed on

- (a) any other medical employee who in the course of performing his duties does not act in conformity with his code of professional conduct, thus causing a substantial impairment of the patient's health, or
- (b) an alternative medical healer who in the course of performing his duties inappropriately chooses or uses an alternative medicine system or method, thus causing a substantial impairment of the patient's health.

(3) If the act under paragraphs 1 or 2 results in the death of a person, the perpetrator shall be sentenced to imprisonment between one and eight years.

#### Quackery Article 180

(1) Any person who performs medical treatment or alternative medical treatment, even though he does not have the prescribed qualifications, and therefore prevents that the patient seeks medical assistance in due time, shall be sentenced to imprisonment between six months and five years.

(2) The perpetrator of the offence referred to in the preceding paragraph, who causes serious harm to a person's health, shall be sentenced to imprisonment between six months and eight years.

(3) If the act under paragraph 1 results in the death of a patient, the perpetrator shall be sentenced to imprisonment between one and ten years.

(4) Equipment intended or used for the treatment referred to in paragraph 1 of this Article shall be seized.

#### Illegal Transplant of Parts of Human Body and Modification of the Human Genome Article 181

(1) A doctor who, in not conforming with his code of professional conduct, removes a part of the human body from or transplants a part of the body to a patient shall be sentenced to imprisonment for not less than six months and not more than five years.

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

(3) The sentence under paragraph 1 shall also apply to the doctor, who illegally removes germ cells, handles them in a prohibited manner, or violates the anonymity of a germ cell donor.

(4) A doctor who, for the purpose to perform a transplant removes a part from the body of a patient or who transplants a part of the body of a patient without having obtained prior consent from the donor or the recipient of the part of the body or from their statutory representatives, or when, contrary to the prescribed procedures, stores or uses the removed part of the human body for some other purpose shall be sentenced to imprisonment for not less than three months and not more than five years.

(5) Any person who attempts to perform or performs the procedure, the purpose of which is to modify the human genome and which is not performed for preventive, diagnostic, or therapeutic purposes, or with the goal to implement changes into the genome of future generations shall be sentence to imprisonment for not more than five years.

(6) The same punishment under the preceding paragraph shall be imposed on any person who removes or obtains a removed part of the human body, for which the donor receives payment, who has the removed part of the human body illegally at his disposal, who uses or attempts to use the human body or its parts with the purpose to gain property benefits, or who unjustifiably and for payment serves as an agent for providing transplants of parts of the body of a living or a deceased person.

#### Reckless Performance of Pharmacological Activities Article 182

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

#### Manufacture and Trade in Harmful Remedies Article 183

(1) Whoever manufactures, sells or otherwise supplies medicines or other medical remedies dangerous to health shall be sentenced to imprisonment for not more than eight years.

(2) Whoever is engaged in the extraction, preparation or disposing of infected blood or other tissue or therefrom derives remedies shall be punished to the same extent.

(3) Whoever commits the offence under paragraphs 1 or 2 of this Article by reason of negligence shall be sentenced to imprisonment for not more than one year.

(4) If serious or grievous bodily harm or a corresponding impairment of health of at least one person has been caused by the committing of any of the offences under paragraphs 1, 2 or 3 of this Article, the perpetrator shall be sentenced to imprisonment for not more than ten years for the offence under paragraphs 1 or 2, while for the offence under paragraph 3 he shall be sentenced to imprisonment for not more than five years.

(5) If the offence under paragraphs 1, 2 or 3 of this Article results in death of one or more persons, the perpetrator shall be sentenced to imprisonment between one and fifteen years for the offence under paragraphs 1 or 2 and between one and ten years for the offence under paragraph 3.

#### Production and Trade of Tainted Foodstuffs and Other Products Article 184

(1) Whoever produces, sells or otherwise supplies foodstuffs dangerous to human health, thus causing danger to human life or health shall be sentenced to imprisonment for not more than three years.

(2) Whoever produces, sells or otherwise puts on the market products for personal care, toys or similar products for mass consumption, which are dangerous to human health, shall be punished to the same extent.

(3) Whoever commits the offence under paragraphs 1 or 2 of this Article by reason of negligence shall be sentenced to imprisonment for not more than one year.

(4) If serious or grievous bodily harm or a corresponding impairment of health of at least one person have been caused by the committing of any of the offences under paragraphs 1, 2 or 3 of this Article, the perpetrator shall be sentenced to imprisonment for not more than eight years for the offence under paragraphs 1 or 2, while for the offence under paragraph 3 he shall be sentenced to imprisonment for not more than five years.

(5) If the offence under paragraphs 1, 2 or 3 of this Article results in death of one or more persons, the perpetrator shall be sentenced to imprisonment between one and twelve years for the offence under paragraphs 1 or 2 and between one and eight years for the offence under paragraph 3.

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

#### Careless Inspection of Meat Article 185

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

thereby facilitating the trade of meat dangerous to human health shall be sentenced to imprisonment for not more than one year.

(2) Whoever commits the offence under the preceding paragraphs by negligence shall be punished by a fine or sentenced to imprisonment for not more than six months.

Unlawful Manufacture and Trade of Narcotic Drugs,  
Illicit Substances in Sport and Precursors  
to Manufacture Narcotic Drugs  
Article 186

(1) Whoever unlawfully manufactures, processes, sells or offers for sale plants or substances, which are classified as narcotic drugs or illicit substances in sport, or whoever purchases, keeps or transports such drugs or substances with a view to resell them, or the precursors, which are used to manufacture narcotic drugs, shall be sentenced to imprisonment for not less than one and not more than ten years.

(2) Whoever sells, offers for sale or hands out free of charge narcotic drugs or precursors to manufacture narcotic drugs to a minor, mentally disabled person, person with a temporary mental disturbance, severe mental retardation or person who is in the rehabilitation, or if the offence is committed in educational institutions or in immediate vicinity thereof, in prisons, military units, public places or public events, or if the offence under paragraph 1 is committed by a civil servant, priest, doctor, social worker, teacher or educator and thereby exploits his position, or whoever in order to commit the mentioned offence uses minors shall be sentenced to imprisonment between three and fifteen years.

(3) If an offence from paragraphs 1 or 2 was committed within a criminal organisation for the committing of such criminal offences, or if the perpetrator of this offence organised a network of resellers or agents, the perpetrator shall be sentenced to imprisonment between five and fifteen years.

(4) Whoever without an authorisation manufactures, purchases, possesses or furnishes other persons with the equipment, substances or precursors, which are to his knowledge intended for the manufacture of narcotic drugs or illicit substances in sport, shall be sentenced to imprisonment for not less than six months and not more than five year.

(5) Narcotic drugs or illicit substances in sport and the means of their manufacture and means of transport with a specially adapted space for the transport and storage of drugs or illicit substances in sport shall be seized.

Rendering Opportunity for Consumption of Narcotic Drugs or Illicit Substances in Sport  
Article 187

(1) Whoever solicits another person to use narcotic drugs or illegal doping substances or provides a person with drugs to be used by him or by a third person, or whoever provides a person with a place or other facility for the use of narcotic drugs or illicit substances in sport shall be sentenced to imprisonment for not less than six months and not more than eight years.

(2) Whoever commits the offence under paragraph 1 against several persons, a minor, mentally disabled person, person with a temporary mental disturbance, severe mental retardation or person who is in the rehabilitation, or if the offence is committed in educational institutions or in immediate vicinity thereof, in prisons, military units, public places or public events, or if the offence under paragraph 1 is committed by a civil servant, priest, doctor, social worker, teacher or educator, and thereby exploits his position, shall be sentenced to imprisonment between one and twelve years.

(3) Narcotic drugs, illicit substances in sport and the tools for their consumption shall be seized.

## Chapter Twenty-One

### CRIMINAL OFFENCES AGAINST MARRIAGE, FAMILY AND YOUTH

#### Bigamy Article 188

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

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

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

#### Alteration of Family Status Article 189

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

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

#### Abduction of Minors Article 190

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

(2) If the offence caused deterioration of mental or physical health of a minor or threatened his development, the perpetrator shall be sentenced to imprisonment between one and five years.

(3) If the Court imposes a suspended sentence, it may order the perpetrator to relinquish the minor to the rightful claimant or enable the implementation of the enforceable judgement.

(4) If the perpetrator under paragraph 1 of this Article has relinquished a minor to the rightful claimant by his own free will and made possible the implementation of the enforceable judgement, his punishment may be remitted.

#### Family Violence Article 191

(1) Whoever within a family treats badly another person, beats them, or in any other way treats them painfully or degradingly, threatens with direct attack on their life or limb to throw them out of the joint residence or in any other way limits their freedom of movement, stalks them, forces them to work or give up their work, or in any other way puts them into a subordinate position by aggressively limiting their equal rights shall be sentenced to imprisonment for not more than five years.

(2) The same punishment shall be imposed on whoever commits the acts under the preceding paragraph in any other permanent living community.

(3) If the act under paragraph 1 is committed against a person with whom the perpetrator lived in a family or other permanent community, which fell apart, however this act is connected to the community, the perpetrator shall be sentenced to imprisonment for not more than three years.

#### Neglect and Maltreatment of a Child Article 192

(1) A parent, adoptive parent, guardian or other person who seriously breaches his obligations to a child shall be sentenced to imprisonment for not more than three years.

(2) A parent, adoptive parent, guardian or other person who forces a child to work excessively or to perform work unsuitable to his age, or who out of greed inures a child to begging or other conduct prejudicial to his proper development, or who tortures him shall be sentenced to imprisonment for not more than five years.

#### Violation of Family Obligations Article 193

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

(2) If the Court imposes a suspended sentence, it may order the perpetrator to regularly perform his obligations of care, education and support.

#### Non-Payment of Maintenance Article 194

(1) Whoever fails to pay maintenance, despite being able to, for a person they are obliged to support according to the law and for whom the level of maintenance has been set by an executory title shall be given a prison sentence of up to one year.

(2) If on account of the offence from the preceding paragraph the livelihood of the person entitled to maintenance was or could have been threatened, or if the perpetrator evaded the obligation to pay maintenance, the perpetrator shall be given a prison sentence of up to three years.

(3) If the court passes a conditional sentence, it may order the perpetrator of an offence from paragraphs 1 or 2 of this Article to make regular maintenance payments, and may also order them to settle any outstanding maintenance payments or other court-ordered obligations arising from maintenance.

#### Incest Article 195

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

### Chapter Twenty-Two CRIMINAL OFFENCES AGAINST EMPLOYMENT RELATIONSHIP AND SOCIAL SECURITY



Violation of Fundamental Rights of Employees  
Article 196

(1) Whoever, to his knowledge, acts contrary to regulations governing the conclusion and termination of employment contracts, salary and compensations thereof, working time, break and rest, annual leave or absence from work, protection of women, young people and disabled persons, protection of workers due to pregnancy and parenthood, protection of older employees, prohibition of overtime or night work, or the payment of the prescribed contributions, thereby depriving or restraining an employee or job-seeker of any of his rights shall be punished by a fine or sentenced to imprisonment for not more than one year.

(2) If the act under the preceding paragraph results in unlawful termination of the employment relationship, unjustifiable payment of three successive salaries or loss of the right that originates from unpaid contributions, the perpetrator shall be sentenced to imprisonment for not more than three years.

(3) The sentence referred to in the previous paragraph shall be applied to whoever shall make the conclusion of an employment contract conditional on the commitment that a female worker will not get pregnant or have a child, or if during the employment period the female worker is required to give a statement that in such an event she would give notice or accept termination of the employment relationship with her consent.

Workplace Mobbing  
Article 197

(1) Whoever degrades or frightens another person at the workplace or in relation to work with sexual harassment, physical violence, ill-treatment or unequal treatment, shall be sentenced to imprisonment for not more than two years.

(2) If the offence under the preceding paragraph results in psychological, psychosomatic or physical illness or reduction of work productivity of an employee, the perpetrator shall be sentenced to imprisonment for not more than three years.

Violation of Rights Concerning Employment and Unemployment  
Article 198

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

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

Undeclared Employment  
Article 199

(1) Whoever contrary to the regulations employs two or more workers and does not register them for the appropriate insurance or employs several foreigners or persons without the citizenship without suitable work permits shall be punished by a fine or imprisonment for not more than one year.

(2) If the offence under the preceding paragraph was committed by employing workers, who are not qualified to perform works that required special authorisations, or by interfering with the physical or mental integrity of an individual, the perpetrator shall be sentenced to imprisonment for not more than three years.

Violation of Rights to Participation in Management and Violation of Union Rights  
Article 200

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

(2) Whoever breaches regulations and general acts by preventing employees or hindering them from exercising free association and executing union activities, or obstructs the implementation of union rights, or takes over a union shall be punished to the same extent.

Endangering Security at Work  
Article 201

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

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

(3) Whoever commits the offence under paragraphs 1 or 2 of this Article by reason of negligence shall be sentenced to imprisonment for not more than one year.

(4) If the offence under paragraphs 1, 2 or 3 of this Article results in a very serious physical injury of one or more persons, the perpetrator shall be sentenced to imprisonment for not more than five years for the offence under paragraphs 1 or 2 and for not more than three years for the offence under paragraph 3.

(5) If the offence under paragraphs 1, 2 or 3 of this Article results in death of one or more persons, the perpetrator shall be sentenced to imprisonment between one and twelve years for the offence under paragraphs 1 or 2 and between one and eight years for the offence under paragraph 3.

#### Violation of Rights Relating to Social Insurance Article 202

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

#### Abuse of Rights Relating to Social Insurance Article 203

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

(2) Whoever submits fake documents or gives a false statement to the competent authority and thus deceives it to issue a decision regarding the pension, disability allowance, or monetary social allowance, even though the conditions to issue such a decision are not met, shall be sentenced to imprisonment for not more than two year.

#### Chapter Twenty-Three

### CRIMINAL OFFENCES AGAINST PROPERTY

#### Larceny Article 204

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

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

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

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

### Grand Larceny Article 205

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

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

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

(3) If the offence referred to in paragraph 1 of this Article was committed in order to acquire property of special cultural significance or of high value and if the intention of the perpetrator was to appropriate such property or property of such value, or if the offence referred to in paragraph 2 of this Article was committed within a criminal association, he shall be sentenced to imprisonment for not less than one and not more than eight years.

### Robbery Article 206

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

(2) If the robbery was committed by at least two persons who colluded with the intention of committing a robbery, or if the stolen property is of high value and the perpetrator's intention was to appropriate the property of such value, he shall be sentenced to imprisonment for not less than three and not more than fifteen years.

(3) If the offence referred to in paragraphs 1 or 2 of this Article was committed within a criminal association, the perpetrator shall be sentenced to imprisonment for not less than five and not more than fifteen years

#### Larceny in the Form of Robbery Article 207

(1) Whoever, when caught stealing, applies force against another person or threatens another person with imminent attack on life or limb in order to keep the stolen property shall be sentenced to imprisonment for not less than one and not more than ten years.

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

#### Misappropriation Article 208

(1) Whoever unlawfully appropriates another person's movable property that is entrusted to him shall be sentenced to imprisonment for not more than two years.

(2) If the misappropriated property is of low value and if the perpetrator's intention was to appropriate the property of such value, he shall be punished by a fine or sentenced to imprisonment for not more than six months.

(3) If the offence under paragraph 1 of this Article has been committed by a guardian, he shall be sentenced to imprisonment for not more than three years.

(4) If the misappropriated property is either of special cultural significance or a natural curiosity or of high value, and if his intention was to appropriate such property or property of such value, he shall be sentenced to imprisonment for not more than five years.

(5) Whoever unlawfully appropriates another's movable property which he has found or which has come into his possession by coincidence, shall be punished by a fine or sentenced to imprisonment for not more than one year.

(6) The prosecution for the offences under paragraphs 1, 2, and 5 of this Article shall be initiated upon a complaint.

#### Embezzlement and Unauthorised Use of Another's Property Article 209

(1) Whoever unlawfully appropriates money, a movable object, or any other part of another's property entrusted to him by virtue of employment or the performance of an economic, financial, or business activity, or while performing the obligations of a guardian, or has been left these as an official on duty, shall be sentenced to imprisonment for not more than three years.

(2) If an official commits the offence referred to in the preceding Article against another's property available to him during the search of a dwelling, premises or persons, or in the course of judicial or administrative proceedings, or in relation to the tasks of protection of persons or property, he shall be sentenced to imprisonment for not more than five years.

(3) If the offence referred to in paragraph 1 of this Article involves property of low value, and if the perpetrator intended to appropriate this property, he shall be punished by a fine or sentenced to imprisonment for not more than one year.

(4) If the offence referred to in paragraphs 1 or 2 of this Article involves property of high value and if the perpetrator intended to appropriate this property, he shall be sentenced to imprisonment for not less than one and not more than eight years.

(5) If the perpetrator uses without authority trusted or accessible objects as referred to in paragraphs 1 or 2 of this Article, he shall be punished by a fine or sentenced to imprisonment for not more than three years.

#### Joy Riding Article 210

(1) Whoever unlawfully takes another's motor vehicle with the intention of using it, shall be sentenced to imprisonment for not more than two years.

(2) Any attempt to commit such an offence shall be punishable.

(3) If the perpetrator referred to in paragraph 1 of this Article destroys a motor vehicle, or renders it unfit for use, or abandons it at an unknown place, he shall be sentenced to imprisonment for not more than three years.

#### Fraud Article 211

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

(2) Whoever, with the intention as referred to in the preceding paragraph of this Article, concludes an insurance contract by stating false information, or suppresses any important information, concludes a prohibited double insurance, or concludes an insurance contract after the insurance or loss event have already taken place, or misrepresents a harmful event, shall be sentenced to imprisonment for not more than one year.

(3) If the fraud was committed by at least two persons who colluded with the intention of fraud, or if the perpetrator committing the offence referred to in paragraph 1 of this Article caused large-scale property damage, the perpetrator shall be sentenced to imprisonment for not less than one, and not more than eight years.

(4) If the offence referred to in paragraphs 1 or 3 of this Article was committed within a criminal association, the perpetrator shall be sentenced to imprisonment for not less than one, and not more than ten years

(5) If a minor loss of property has been incurred by the committing of the offence under paragraph 1 of this Article and if the perpetrator's intention was to acquire a minor property benefit, he shall be punished by a fine or sentenced to imprisonment for not more than one year.

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

(5) The prosecution for the offences under paragraphs 5 and 6 of this Article shall be initiated upon a complaint.

#### Organising Money Chains and Illegal Gambling Article 212

(1) Whoever, with a view to procuring an unlawful property benefit for himself or for a third person, organizes, participates in, or helps organizing or performing money chains where participants pay certain amounts of money to organizers or other participants who are already included in the game or activity, and expect certain amounts of money to be paid by the participants who are to join such a game or activity after them, shall be sentenced to imprisonment for not more than three years.

(2) Whoever, with the intention of acquiring an unlawful property benefit for himself or a third person organises, contrary to regulations, or helps in organising classic or special gambling, network gambling, or other gambling via electronic means of communication, which were not issued an authorisation or concession by a competent authority, shall be punished to the same extent.

(3) If a major property benefit has been gained by himself or by a third person by committing the offences under the above paragraphs, or large-scaled property damage has been caused to a third person, the perpetrator shall be sentenced to imprisonment for not less than one, and not more than eight years.

#### Extortion and Blackmail Article 213

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

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

(3) If the offences under paragraphs 1 or 2 of this Article have been perpetrated by at least two persons, or if it has been inflicted by means of a weapon or a dangerous tool, or in an especially cruel and humiliating manner, the perpetrators shall be sentenced to imprisonment for not less than one and not more than eight years.

(4) If the offence referred to in the above paragraphs was committed within a criminal association, the perpetrator shall be sentenced to imprisonment for not less than one and not more than ten years.

#### Usury Article 214

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

#### Disloyalty Article 215

(1) Whoever, in the course of representing the property interests of another or of having charge of his property, knowingly does not perform his obligation to work for



his benefit, or works to the detriment of his property, shall be punished by a fine or sentenced to imprisonment for not more than one year.

(2) If the perpetrator committing the offence referred to in the preceding paragraph takes advantage of an authorisation with a view to procuring an unlawful property benefit for himself, or for a third person, shall be sentenced to imprisonment for not less than three years.

(2) If the offence under paragraph 2 of this Article has been committed by an attorney, notary, guardian, executor, or bankruptcy administrator, or if the perpetrator has acquired a large property benefit, he shall be sentenced to imprisonment for not more than five years.

#### Abuse of Execution Article 216

(1) Whoever, if while carrying out an execution, illegally collects an amount of money larger than that to be paid by another person, or appropriates an erroneous overpayment of a debt, shall be punished by a fine or sentenced to imprisonment for not more than two years.

(2) Whoever defrauds in an execution the creditor for his claim through an agreement with the participants in the auction, shall be punished to the same extent.

(3) Any attempt to commit such an offence shall be punishable.

#### Concealment Article 217

(1) Whoever purchases, takes as a pledge or otherwise acquires, conceals or disposes either of movable or immovable property which he knows to have been gained unlawfully shall be sentenced to imprisonment for not more than two years.

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

(3) If the offence referred to in paragraphs 1 or 2 of this Article was committed by at least two persons who colluded with the intention of concealment, or if the property referred to in paragraphs 1 or 2 of this Article is of high value, or the property is either of special cultural significance or a natural curiosity, the perpetrator shall be sentenced to imprisonment for not more than three years for the offence referred to in paragraph 1, and to imprisonment for not more than two years for the offence referred to in paragraph 2.

(4) If the concealed property has been obtained from a criminal offence for which the perpetrator is prosecuted by private action or complaint, the prosecution regarding offences under paragraphs 1 and 2 shall be initiated upon a private action or a complaint respectively.

(5) If the act referred to in paragraphs 1, 2 or 3 of this Article was committed within a criminal association for the commission of such criminal offences, the perpetrator shall be sentenced to imprisonment for not less than five years.

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

### Article 218

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

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

## Damaging or Destroying Goods of Special Cultural Significance or Natural Curiosities

### Article 219

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

(2) If the damaged or destroyed goods represent a cultural monument or a natural curiosity of extreme importance to the Republic of Slovenia, or if the damage caused is of high value, the perpetrator shall be sentenced to imprisonment for not more than eight years.

## Damaging Another's Object

### Article 220

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

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

(3) The prosecution for the offence under paragraph 1 of the preceding Article shall be initiated upon a complaint.

#### Attack on Information Systems Article 221

(1) Whoever breaks into an information system, or illegally intercepts data during a non-public transmission into or from the information system, shall be sentenced to imprisonment for not more than one year.

(2) Whoever makes an illegal use of data in an information system, or changes, copies, transmits, destroys, or illegally imports data in an information system, or obstructs data transmission or information system operation, shall be sentenced to imprisonment for not more than two years.

(3) Any attempt to commit such an offence referred to in the preceding paragraph shall be punishable.

(3) If the damages incurred by the committing of the offence under paragraph 2 of this Article are considerable, the perpetrator shall be sentenced to imprisonment for not less than three months and not more than five years.

#### Arson Article 222

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

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

(3) If the offence under paragraph 1 of this Article has been committed through negligence, the perpetrator shall be sentenced to imprisonment for not more than three years.

(4) If the offence under paragraph 1 of this Article has been perpetrated by at least two persons, or if the property burnt down is either of special cultural significance, or a natural curiosity, or of high value, the perpetrators shall be sentenced to imprisonment for not less than one and not more than ten years.

#### Damaging the Rights of Other Persons

## Article 223

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

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

(3) The prosecution for the offence under paragraphs 1 and 2 of this Article shall be initiated upon a complaint.

## Prosecution When the Perpetrator is Closely Related to the Injured Person Article 224

For criminal offences under Articles 204, 205, paragraphs 1, 2, 4, and 5 of Article 208, Articles 210, 211, paragraphs 1 and 2 of Article 215, and Article 220 of this Penal Code committed against a spouse or a person living with the perpetrator in a relationship resembling marriage, or in a registered same-sex partnership, lineal relative, brother, sister or first cousin up to three times removed, a relative by marriage up to twice removed, adoptive parent, adopted child, foster parent, foster child or other person living in the same household as the perpetrator, the prosecution shall be initiated upon a private action.

## Chapter Twenty-Four

### CRIMINAL OFFENCES AGAINST THE ECONOMY

#### Abuse of a Position of Monopoly Article 225

Whoever, in pursuing an economic activity contrary to regulations governing the protection of competition, violates the prohibition of restricting agreements between companies, abuses the dominant position of one or more companies, or creates a forbidden concentration of companies and thus prevents or significantly impedes or distorts competition in the Republic of Slovenia, or on the European Union market, or its significant part, or significantly influences trade between Member States, which results in a large property benefit for such a company or companies, or a large property damage for another company shall be sentenced to imprisonment for not less than six months and not more than five years.

## False Bankruptcy Article 226

(1) Whoever, with the intention of not paying what he is obliged to pay, apparently or actually worsens his own or a third person's financial circumstances, thus causing bankruptcy, or satisfies conditions for the deletion of a company *ex officio* without liquidation, by:

- 1) the apparent sale, cession without charge, or conveyance for an extremely low price, property or a part thereof which belongs to the bankrupt estate;
- 2) the conclusion of a false agreement on debt or the concession of a false claim;
- 3) concealing, destroying or falsifying business books and documents or keeping them in such a manner which renders the identification of the actual financial position impossible shall be sentenced to imprisonment for not less than six months and not more than five years.

(2) Whoever initiates bankruptcy, or satisfies the condition for deletion of the company *ex officio* without liquidation with the purpose of defrauding creditors, by rendering insolvent himself or another by irrational spending of funds, becomes overindebted, does not collect debts on time, concludes detrimental contracts, performs a gratuitous or apparent transfer of property to other persons, or reduces in some other way the value of his property, or the property or the company he manages, shall be punished to the same extent.

If the offences under the above paragraphs have resulted in a large loss of property, the perpetrator shall be sentenced to imprisonment for not less than one and not more than eight years.

## Defrauding Creditors Article 227

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

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

## Business Fraud Article 228

(1) Whoever, in the performance of an economic activity, when concluding or implementing a contract or a service, defrauds another by representing the obligations

as that they will be fulfilled, or by concealment of the fact that the obligations will not be or will not be able to be fulfilled, gains a property benefit or causes loss of property to a client or a third person on account of such partial or complete non-fulfilment of obligations, shall be sentenced to imprisonment for not more than five years.

(2) If the offence under the preceding paragraph has resulted in a large property benefit acquired or a large loss of property, the perpetrator shall be sentenced to imprisonment for not less than one and not more than ten years.

(3) If the act referred to in paragraph 1 of this Article resulted in a small property benefit acquired or a small loss of property, the perpetrator shall be punished by a fine or sentenced to imprisonment for not more than one year.

#### Fraud to the Detriment of European Communities Article 229

(1) Whoever avoids expenses by way of using or submitting false, incorrect, or incomplete statements or documents, or does not reveal data and thus misappropriates or unlawfully withholds or uses inappropriately funds of the general budget of European Communities or of the budgets managed by European Communities or managed on their behalf, shall be sentenced to imprisonment for not less than three months and not more than three years.

(2) Whoever acquires funds by means of offences and from the budgets referred to in the preceding paragraph shall be punished to the same extent.

(3) If the offence under the preceding paragraphs has resulted in a large property benefit acquired or a large loss of property, the perpetrator shall be sentenced to imprisonment for not less than one and not more than eight years.

(4) Punishments referred to in above paragraphs of this Article shall apply to the managers of companies or other persons authorised to take decisions or carry out control in enterprises, if they render possible or do not prevent the criminal offences of perpetrators referred to in above paragraphs that are subordinated and act on behalf of the company.

#### Fraud in Obtaining Loans or Benefits Article 231

(1) Whoever, without having complied with the conditions required for obtaining a loan, investment assets, a subsidy or any other benefit intended for the performance of an economic activity, obtains such a loan or other benefit for himself or for any third person by presenting to the lender or other person whose job it is to approve such a loan or benefit, false or incomplete data concerning the balance of assets, balance sheets, profits, losses or any other fact relevant to the approval of the above mentioned loan or

other benefit, or suppresses any fact, shall be punished by a fine or sentenced to imprisonment for not more than three years.

(2) If the loan or any other benefit referred to in the preceding paragraph has been used for purposes other than those agreed with the lender or the person competent for granting such a benefit, the perpetrator shall be punished by a fine or sentenced to imprisonment for not more than one year.

#### Fraud in Securities Trading Article 231

(1) Whoever, in trading stocks, other securities or other financial instruments, falsely represents the balance of assets, data on profits or losses, or any other data in the prospectus, when publishing an annual report, or in any other way which has considerable influence on the value of the above mentioned securities, thereby inducing one or more persons to make a purchase or sale of, or makes any other transaction with such securities, shall be punished by a fine or sentenced to imprisonment for not more than two years.

(2) If the offence under the preceding paragraph concerns securities or other financial instruments of high value, the perpetrator shall be sentenced to imprisonment for not less than five years.

#### Deception of Purchasers Article 232

(1) Whoever, with the intention of deceiving purchasers, puts into circulation to a considerable extent products labelled with false information about their content, type, origin or quality; or products whose weight or quality does not correspond to the required standards applying to such products' weight or quality; or products which are not duly labelled so as to point out their content, type, origin, quality or use-by date, shall be punished by a fine or sentenced to imprisonment for not more than two years.

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

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

#### Unauthorised Use of Another's Mark or Model Article 233

(1) Whoever, while engaging in economic activities, uses another's trade name, brand, geographical indication, or another's special goods trademark or services trademark, or whoever uses particular components of another's mark in his own trade name, brand, or other mark of goods or services shall be sentenced to imprisonment up to three years.

(2) Whoever, while engaging in economic activities, uses another's model without due authorization, shall be punished to the same extent.

(3) Objects under paragraphs 1 and 2 of this Article, as well as tools and devices used for their manufacture, shall be seized.

#### Unauthorised Use of Another's Patent or Topography Article 234

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

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

#### Forgery or Destruction of Business Documents Article 235

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

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

(3) Any attempt to commit the offence under paragraphs 1 and 2 of this Article shall be punishable.

#### Disclosure and Unauthorised Acquisition of Trade Secrets



## Article 236

(1) Whoever, without due authorisation in non-compliance with his duties to protect trade secrets, communicates or conveys information designated as a trade secret to another person, or otherwise provides him with access to such information or with the possibility of collecting such information in order to convey the same to an unauthorised person, shall be sentenced to imprisonment for not more than three years.

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

(3) If the information under paragraphs 1 and 2 of this Article is of special importance, or if it has been conveyed to a third person with a view to being transferred abroad, or if the offence has been committed out of greed, the perpetrator shall be sentenced to imprisonment for not more than five years.

(4) If the offence under paragraphs 1 or 3 of this Article has been committed through negligence, the perpetrator shall be sentenced to imprisonment for not more than one year.

## Breaking into Business Information Systems Article 237

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

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

## Abuse of Insider Information Article 238

(1) Whoever, in relation to the position he occupies with the issuer of the security or equity in the capital of the issuer of the security, his employment, or when performing activity, obtains insider information capable of influencing the price of securities or other financial instrument on the organized market in the Republic of Slovenia or in at least one Member State of the European Union, or in respect of which an application has been lodged for such a placement, regardless of whether it is placed on this market or not, using it for himself or any third person with a view to the direct or

indirect acquisition or disposal of such security or other financial instrument, shall be sentenced to imprisonment for not more than three years.

(2) Whoever communicates insider information to an unauthorised person, or proposes to the third person on the basis of such insider information a direct or indirect acquisition or disposal of such security or other financial instrument, shall be punished to the same extent.

(3) Whoever acquires insider information without authorisation and uses it for the direct or indirect acquisition or disposal of such security or other financial instrument for himself or any third person, shall be punished to the same extent as laid down in paragraph 1.

(4) If offences under the preceding paragraphs concern securities or other financial instruments of high value, the perpetrator shall be sentenced to imprisonment for not less than five years.

#### Abuse of Financial Instruments Market Article 239

(1) Whoever, with the intention of procuring an unlawful property benefit for himself or for a third person, abuses the market in financial instruments by means of a prohibited conduct, by:

- 1) concluding a business or issuing a trade contract, providing market participants with an incorrect or misleading idea of the offer, demand, or price of the financial instrument, or providing one or more connected persons to assure the price of one or more financial instruments at an abnormal or artificial level;
- 2) using fictitious means or any other form of fraudulent conduct when concluding business or issuing a trade contract;
- 3) spreading incorrect or misleading information on financial instruments, following the same objective when spreading rumours, incorrect and misleading information via media, online, or in any other similar way,

shall be sentenced to imprisonment for not more than three years.

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

#### Abuse of Position or Trust in Business Activity Article 240

(1) Whoever, in the governing or supervising of an economic activity, abuses his position or the trust placed in him for disposing of another's property, managing a

company, or conducting a business activity, acts beyond the limits of the rights inherent in his position or fails to perform any of his duties with a view to procuring an unlawful property benefit for himself or for a third person or to causing damage to the property of another, shall be sentenced to imprisonment for not more than five years.

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

(3) If the offence under paragraph 1 of this Article has been committed with the intention of procuring any non-property benefit for himself or another, the perpetrator shall be sentenced to imprisonment for not more than one year.

#### Unauthorised Acceptance of Gifts Article 241

(1) Whoever, in the performance of an economic activity, requests or agrees to accept for himself or any third person an unauthorised award, gift or other property benefit, or a promise or offer for such benefit, in order to neglect the interests of his organisation or other natural person or to cause damage to the same when concluding or retaining a contract or other unauthorised benefit, shall be sentenced to imprisonment for not less than six months and not more than five years.

(2) The perpetrator of the offence under the preceding paragraph of this Article, who requests or agrees to accept an unauthorised award, gift or other property benefit, or a promise or offer for such benefit, for himself or any third person in exchange for making or retaining a contract or other benefit, shall be sentenced to imprisonment for not less than three months and not more than five years.

(3) The perpetrator of the offence under paragraph 1 of this Article who requests or agrees to accept an unauthorised award, gift or other property benefit after the contract is concluded or service performed, or other unauthorised benefit is acquired for himself or any third person, shall be sentenced to imprisonment for not more than two years.

(4) The accepted gift, award, or any other benefit shall be seized.

#### Unauthorised Giving of Gifts Article 242

(1) Whoever promises, offers, or gives an unauthorised award, gift or any other property benefit to a person performing an economic activity, intended for such a person or any third person with a view to obtaining any unjustified benefit for himself or any third person when concluding or retaining a contract or other unauthorised benefit under

paragraph 1 of Article 241, shall be sentenced to imprisonment for not less than six months and not more than five years.

(2) Whoever promises, offers, or gives an unauthorised award, gift or any other property benefit to a person performing an economic activity, intended for such a person or any third person in exchange for making or retaining a contract or other benefit, shall be sentenced to imprisonment for not more than three years.

(3) If the perpetrator under the previous paragraphs who gave the unauthorised award, gift or any other property benefit upon request, declares the offence before it was detected or he knew it had been detected, his punishment may be remitted.

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

#### Counterfeiting Money Article 243

(1) Whoever makes counterfeit money with the intention of putting it into circulation as genuine, or alters genuine money with the same intention, or puts such false money into circulation, shall be sentenced to imprisonment for not less than six months and not more than eight years.

(2) Whoever acquires counterfeit money with the intention of putting it into circulation as genuine shall be punished to the same extent.

(3) If the offence under paragraphs 1 or 2 of this Article involves a great quantity of counterfeit money, the perpetrator shall be sentenced to imprisonment for not less than one and not more than ten years.

(4) Whoever puts false money which he received as genuine into circulation, or whoever knows that money was counterfeited or put into circulation and fails to declare such offences, shall be punished by a fine or sentenced to imprisonment for not more than six months.

(5) Counterfeit money shall be seized.

(6) The money shall be coins or paper money which is put into circulation in the Republic of Slovenia or other country on the basis of the law.

#### Fabrication and Use of Counterfeit Stamps of Value or Securities Article 244

(1) Whoever fabricates counterfeit fiscal, postage or other stamps of value, or alters any of these stamps with the intention of using it as genuine or of conferring it on a third person for his use, or whoever uses counterfeit stamps of value as genuine or acquires them for such a purpose, shall be sentenced to imprisonment for not more than three years.

(3) Whoever fabricates counterfeit securities or alters any security with the intention of using it as genuine or of conferring it to a third person for his use, or whoever uses counterfeit securities as genuine or acquires them for such a purpose, shall be sentenced to imprisonment for not less than one and not more than eight years.

(3) If the offence under the preceding paragraphs involves a great quantity of stamps of value or securities, the perpetrator shall be sentenced to imprisonment for not less than one and not more than ten years.

(5) Whoever removes the official stamp by means of which stamps of value under paragraph 1 of this Article are cancelled or otherwise tries to make such stamps of value appear to have been unused, or whoever applies already used stamps of value or sells them as valid, shall be punished by a fine or sentenced to imprisonment for not more than one year.

(6) Counterfeit stamps of value and securities shall be seized.

(6) Stamps of value under this Penal Code shall be considered fiscal stamps and other stamps of value issued and in circulation under the law of the Republic of Slovenia, and foreign stamps of value.

#### Money Laundering Article 245

(1) Whoever accepts, exchanges, stores, disposes, uses in an economic activity or in any other manner determined by the act governing the prevention of money laundering, conceals or attempts to conceal by laundering the origin of money or property that was, to his knowledge, acquired through the commission of a criminal offence, shall be punished by imprisonment of up to five years.

(2) Whoever commits the offence under the preceding paragraph, and is simultaneously the perpetrator of or participate in the criminal offence with which the money or property under the preceding paragraph were acquired, shall be punished to the same extent.

(3) If the money or property under paragraphs 1 or 2 of this Article is of high value, the perpetrator shall be punished by imprisonment of up to eight years and by a fine.

(4) If an offence referred to in the above paragraphs was committed within a criminal association for the commission of such criminal offences, the perpetrator shall be punished by imprisonment of one up to ten years and by a fine.

(5) Whoever should and could have known that the money or property had been acquired through a criminal offence, and who commits the offences from paragraphs 1 or 3 of this Article, shall be punished by imprisonment of up to two years.

(6) The money and property referred to in the preceding paragraphs shall be confiscated.

#### Presentation of Bad Cheques and Abuse of Bank or Credit Cards Article 246

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

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

(3) If a major property benefit has been gained through any of the offences under paragraphs 1 or 2 of this Article, the perpetrator shall be sentenced to imprisonment for not less than one and not more than eight years.

#### Use of a Counterfeit Bank, Credit, or Other Card Article 247

(1) Whoever installs on an automatic dispenser for money or an apparatus for payment by card a device for copying records of bank or credit cards, or acquires the recognition of such cards through a payment on the whole Internet, or makes a forgery thereof in any other way, or whoever uses such a counterfeit bank or credit card and thus gains property benefit, shall be sentenced to imprisonment for not more than five years.

(2) Whoever forges or uses a forged other card which enables the gaining of a property benefit by means of technical devices for card recognition, shall be punished to the same extent.

(3) If a major property benefit has been gained through the offence under paragraphs 1 or 2 of this Article, the perpetrator shall be sentenced to imprisonment for not less than one and not more than eight years.

#### Fabrication, Acquisition and Disposal of Instruments of Forgery Article 248

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

(2) The instruments of forgery shall be seized.

#### Tax Evasion Article 249

(1) Whoever, with the intention either of evading, in whole or in part, the payment of taxes, contributions or any other prescribed liabilities of natural or legal persons by himself, or of enabling another person to do so, or unduly acquiring the tax returned in the Republic of Slovenia or in other Member States of the European Union in whole or in part, or provides false information about income, expenses, property, goods or other circumstances relevant to taxation and other prescribed liabilities, or otherwise defrauds the tax authorities competent for the assessment or supervision of charging and paying of such liabilities, whereby the amount of liabilities evaded or the undue tax recovery represent a major property benefit, shall be sentenced to imprisonment for not less than six months and not more than three years.

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

(3) Whoever, with the intention of preventing establishment of an actual tax liability does not, on the request of the competent tax authority, provide information, submit business books and records which he is obliged to keep, or if the books and records are incorrect in their substance, or does not provide explanations in relation to the subject of tax inspection, or obstructs tax inspection, shall be sentenced to imprisonment for not less than one and not more than two years.

(4) If a major property benefit has been gained though the offence under paragraphs 1 or 2 of this Article and the perpetrator intended to gain such property benefit, he shall be sentenced to imprisonment for not less than one and not more than eight years.

(5) If the act referred to in paragraphs 1 or 2 of this Article was committed within a criminal association, the perpetrator shall be sentenced to imprisonment for not less than three and not more than twelve years.

## Smuggling Article 250

(1) Whoever transports goods of high value across the customs line of the European Community, thereby avoiding customs control measures, or whoever transports such goods by using force or threats to do so, shall be sentenced to imprisonment for not more than five years and punished by a fine.

(2) Whoever is engaged in the transportation of goods of high property benefit into the customs territory of the European Community, thereby avoiding customs control measures, or transports such goods through such territory, provides hiding places or store places, offers or obtains the sale of such goods, shall be sentenced to imprisonment for not less than one and not more than ten years and punished by a fine.

(3) An official who, by abusing his official position or rights, enables the smuggling of goods into the customs territory of the European Community or transport therein, shall receive the punishment referred to in the preceding paragraph.

(4) If a major property benefit has been gained for himself or a third person by the perpetrator committing offences referred to in paragraphs 2 or 3 of this Article, or if he poses a threat to human life or health, or offers support to terrorist activities, or commits such acts as a member of the criminal association, he shall be sentenced to imprisonment for not less than three and not more than fifteen years and punished by a fine.

(5) Whoever acquires or collects smuggled goods of high property benefit for transportation into the customs territory of the European Community, provides forged documents or transport in and through the customs territory of the European Community, or organises in any other way the hiding, storage or sale of smuggled goods, shall be sentenced to imprisonment for not less than three and not more than twelve years and punished by a fine.

(6) The above paragraph shall also apply to criminal offences committed abroad if the country where such offences have been committed has adopted, likewise the Republic of Slovenia, a common international legal obligation of preventing such criminal offences, regardless of the place of their committal, and has determined such acts by its law in the same proper way as criminal offences.

(7) Smuggled goods shall be seized.



## Chapter Twenty-Five

### CRIMINAL OFFENCES AGAINST LEGAL TRANSACTIONS

#### Forging Documents Article 251

(1) Whoever forges a document, or alters a genuine document with the intention of using such a document as genuine or whoever uses a forged or altered document as genuine, shall be punished by imprisonment of up to two years.

(2) An attempt shall be punishable.

(3) Whoever forges a public document, will, public or official book, or any other book which has to be kept under the terms of the statute, alters a genuine document of this kind, or stores such a forged or altered document with the purpose of using it, or uses it as genuine, shall be punished by imprisonment of up to three years.

#### Special Cases of Forging Documents Article 252

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

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

(2) Whoever compiles as market goods for another person a doctoral thesis, master's thesis, thesis, examination, maturity or seminar paper, or draws up some other written paper for another person necessary for obtaining education, or whoever uses such paper as his own, shall be punished to the same extent

#### Certification of Untrue Contents Article 253

(1) Whoever deceives a competent body or a notary so as to certify any untrue matter in a public document, record, book or business document which is intended to serve as evidence in legal transactions, shall be punished by imprisonment of up to three years.

(2) Whoever uses a public document, record, book or business document under the preceding paragraph although he knows such document to be false, shall be punished to the same extent.

#### Illegal Provision of Legal Aid Article 254

(1) Whoever provides, against payment, legal aid in judicial or administrative procedures, without any corresponding education or conditions satisfied, shall be punished by a fine or sentenced to imprisonment for not more than one year.

(2) The property benefit gained shall be seized.

#### Issuance and Use of False Medical or Veterinary Certificate Article 255

(1) A physician who knowingly issues a false medical certificate, shall be sentenced to imprisonment for not more than three years.

(2) Whoever knowingly uses the medical certificate under the preceding paragraph, shall be punished to the same extent.

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

(4) Whoever knowingly uses the certificate under the preceding paragraph, shall be punished to the same extent.

#### Fabricating of Counterfeit Marking Trademarks, Measures and Weights Article 256

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

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

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

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

## Chapter Twenty-Six

### CRIMINAL OFFENCES AGAINST OFFICIAL DUTIES AND PUBLIC AUTHORISATIONS

#### Abuse of Office or Official Duties Article 257

(1) An official or a public officer who, with the intention of procuring any non-property benefit for himself or another, or of causing damage to another, abuses his office or exceeds the limits of his official duties or fails to perform his official duties, shall be sentenced to imprisonment for not more than one year.

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

(3) An official a public officer who, with the intention of procuring a property benefit for himself or for another, abuses his office or exceeds the limits of his official duties or fails to perform his official duties, shall be sentenced to imprisonment for not less than three months and not more than five years.

(4) A perpetrator referred to in the preceding paragraph who abuses his office or influence for an illegal increase of his own property in a significant value, shall be punished to the same extent as in the preceding paragraph.

(4) If, by perpetration of the offence referred to in paragraphs 3 and 4, the perpetrator has acquired for himself or a third person a large property benefit which corresponds to his initial intent, he shall be sentenced to imprisonment for not less than one and up to eight years.

#### Misfeasance in Office Article 258

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

#### Forgery or Destruction of an Official Paper, Book, File or Historical Archives Article 259

(1) An official who enters false information or fails to enter any relevant information in an official paper, book, or file, or certifies such a paper, book or file containing false information with his signature or stamp, or renders the creation of such a paper, book or file possible, shall be sentenced to imprisonment for not more than three years.

(2) An official who uses a false official paper, book or file as genuine, or who destroys or hides papers, books or files or substantially damages or renders the same useless, shall be punished to the same extent.

(3) Whoever unlawfully alienates, destroys, or conceals historical archives, or renders it useless, shall be sentenced to imprisonment for not less than three months and not more than three years.

#### Disclosure of Classified Information Article 260

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

(2) Whoever, with the intention of using it without authority, obtains information protected as classified information or publishes such information publicly, shall be punished to the same extent.

(3) If the offence from paragraph 1 of this Article has been committed out of greed or with a view to publishing or using the information concerned abroad, the perpetrator shall be sentenced to imprisonment for not more than five years.

(4) If the offence under paragraph 1 of this Article has been committed through negligence, the perpetrator shall be sentenced to imprisonment for not more than one year.

Acceptance of Bribes  
Article 261

(1) An official or a public officer who requests or agrees to accept for himself or any third person an award, gift or other property benefit, or a promise or offer for such benefit, in order to perform an official act within the scope of his official duties which should not be performed, or not to perform an official act which should or could be performed, or make other abuse of his position, or whoever serves as an agent for the purpose of bribing an official, shall be sentenced to imprisonment for not less than one and not more than eight years and punished by a fine.

(2) An official or a public officer who requests or agrees to accept for himself or any third person an award, gift or other property benefit, or a promise or offer for such benefit, in order to perform an official act within the scope of his official duties which should or could be performed, or not to perform an official act which should not be performed, or make other use of his position, or whoever intermediates in such a bribery of the official, shall be sentenced to imprisonment for not less than one and not more than five years.

(3) An official or a public officer who requests or accepts an award, gift or other favour with respect to the performance of the official act under preceding paragraphs after the official act is actually performed or omitted, shall be punished by a fine or sentenced to imprisonment for not more than three years.

(4) The accepted award, gift and other benefit shall be seized.

Giving Bribes  
Article 262

(1) Whoever promises, offers or gives an award, gift or other benefit to an official or a public officer for him or any third person in order for him either to perform an official act within the scope of his official duties which should not be performed, or not to perform an official act which should or could be performed, or makes other abuse of his position, or whoever serves as an agent for the purpose of bribing an official, shall be sentenced to imprisonment for not less than one and not more than five years and punished by a fine .

(2) Whoever promises, offers or gives an award, gift or other benefit to an official or a public officer for him or any third person in order for him either to perform an official act within the scope of his official duties which should or could be performed, or not to perform an official act which should not be performed, or makes other use of his position, shall be sentenced to imprisonment for not less than six months and not more than three years.

(3) If the perpetrator under the preceding paragraphs who gave the award, gift or other benefit on request of an official or public officer, had declared such an offence before it was detected or he knew it had been detected, his punishment may be remitted.

#### Accepting Benefits for Illegal Intermediation Article 263

(1) Whoever accepts an award, gift or any other favour or promise or offer for such a favour for himself or any third person, in order to use his rank or real or presumptive influence to intervene so that a certain official act be or not be performed, shall be sentenced to imprisonment for not more than three years.

(2) Whoever uses his rank or his real or presumptive influence to intervene either for the performance of a certain official act which should not be performed or for the non-performance of an official act which should or could be performed, shall be punished to the same extent.

(3) If the perpetrator, prior to or after the intervention, accepts any award, gift or other favour for himself or any third person in exchange for his intervention referred to in the preceding paragraph, he shall be sentenced to imprisonment for not less than one and not more than five years.

(4) The accepted award, gift and other benefit shall be seized.

#### Giving of Gifts for Illegal Intervention Article 264

(1) Whoever promises, offers or gives an award, gift or any other favour to another person for himself or any third person, in order to use his rank or real or presumptive influence to intervene so that a certain official act be or not be performed, shall be sentenced to imprisonment for not more than three years.

(2) Whoever promises, offers or gives an award, gift or any other favour to other person for himself or any third person, in order to use his rank or real or presumptive influence to intervene either for the performance of a certain official act which should not be performed or for the non-performance of an official act which should or could be performed, shall be sentenced to imprisonment for not less than one and not more than five years.

(3) If the perpetrator under the preceding paragraphs who gave the award, gift or other benefit on request of the illegal intermediary, had declared such an offence before it was detected or he knew it had been detected, his punishment may be remitted.

Torture  
Article 265

(1) Whoever intentionally causes severe pain or suffering to another person, either physical or mental, in order to obtain information or a confession from him or a third person, punish him for an act committed by himself or a third person, or which is suspected as having been committed by him or a third person with a view of intimidating him or putting him under pressure, or to intimidate a third person or put such person under pressure or for whichever reason which is based on any form of violating equality, shall be sentenced to imprisonment for not less than one and not more than ten years.

(2) If the pain and suffering referred to in the preceding paragraph is caused or committed by an official or any other person who possesses official status or on his initiative or upon his expressed consent or tacitly, he shall be sentenced to imprisonment for not less than three and not more than twelve years.

Violation of Human Dignity by Abuse of Official Position or Official Rights

Article 266

An official person exercising his office who, by abuse of his official position or official rights, treats another person badly, insults him, inflicts light bodily harm upon him or otherwise treats him in such a manner so as to affect his human dignity, shall be punished by imprisonment of up to three years.

Extortion of a Statement  
Article 267

(1) An official person who, in the exercising his office or public authorisations, applies force, threat or other proscribed means or proscribed manner in order to extort a deposition or other statement from an accused person, or from a witness, expert witness or any other person, shall be punished by imprisonment of three months up to five years.

(2) If the offence under the preceding paragraph has been committed in an extremely violent manner or if, by the extortion of the deposition, the perpetrator has caused severe consequences for an accused person who is in criminal proceedings, he shall be punished by imprisonment of one up to eight years.

Misappropriation of Property in the Course of Investigation or Execution  
Article 268

(1) An official who, during the search of a dwelling, premises or persons or in the course of judicial or administrative proceedings, takes property with the intention of

appropriating it unlawfully, shall be sentenced to imprisonment for not less than six months and not more than five years.

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

## Chapter Twenty-Seven

### CRIMINAL OFFENCES.AGAINST MILITARY DUTY

#### Non-execution of an Order and Disobedience Article 269

(1) A member of the military who fails to execute an order given by his superior with respect to military service or who refuses to obey his superior, thereby endangering human lives or property of high value, shall be sentenced to imprisonment for not more than two years.

(2) A member of the military who resists a guard, sentry, patrol, orderly soldier or officer or other member of the military exercising his military duty to safeguard security and order in a military unit, shall be punished by a fine or sentenced to imprisonment for not more than one year.

#### Disobeying a Superior Article 270

(1) A member of the military who together with other members of the military disobeys the order of a superior or refuses to carry it out, or refuses to perform his duty, shall be sentenced to imprisonment for not less than three months and not more than five years.

(2) A member of the military who uses arms in committing the offence under the preceding paragraph, shall be sentenced to imprisonment for not less than one and not more than ten years.

(3) The punishment under the preceding paragraph shall also be imposed on anyone who organizes the offence under paragraph 1 of this Article as well as on a military officer who participates in the commission of such an offence.

#### Refusal to Receive or Use Arms Article 271



A member of the military who, contrary to regulations and without having a justified cause, refuses to receive arms or refuses to use the same under order or in accordance with the rules of the service, shall be sentenced to imprisonment for not more than one year.

False Report  
Article 272

A member of the military who, in carrying out his duties, gives a false oral report or presents a false report or in so doing suppresses any fact which ought not be suppressed, thus endangering human life or property of high value, shall be punished by a fine or sentenced to imprisonment for not more than one year.

Desertion or Escape from Armed Forces  
Article 273

(1) A member of the military who by his own free will deserts his unit or service during the performance of an important task or during a state of increased alert, shall be punished by a fine or sentenced to imprisonment for not more than one year.

(2) Any member of the military who knows of the circumstances under paragraph 1 of this Article, but fails to return of his own will from an authorised period of leave from his unit or service within the appointed time, or who deserts his unit or service for more than ten days by his own will, shall be punished to the same extent.

(3) A member of the military who has gone into hiding in order to evade service in the armed forces, shall be sentenced to imprisonment for not more than three years.

(4) The punishment under the preceding paragraph shall also be imposed on a member of the military who leaves the country and remains abroad in order to evade service in the armed forces.

Maltreatment of Subordinates  
Article 274

(1) A superior military officer who, during or in connection with military service, maltreats a subordinate or violates his human dignity, shall be sentenced to imprisonment for not more than three years.

(2) If a superior military officer commits the offence under the previous paragraph against more than one person, he shall be sentenced to imprisonment for not more than five years.

## Violation of Sentry Regulations Article 275

(1) A member of the military who endangers human life or property of high value by acting contrary to regulations concerning sentry, patrol, orderly or any other service for the safeguarding of security and order in a military unit, headquarters or institution or for the military protection of objects or areas, shall be sentenced to imprisonment for not more than three years.

(2) If the offence under the preceding paragraph has been committed through negligence, the perpetrator shall be sentenced to imprisonment for not more than one year.

(3) If any of the offences under paragraphs 1 or 2 of this Article involves grievous bodily harm to one or more persons or large property damage, the perpetrator shall be sentenced to imprisonment for not less than one and more than five years for the offence under paragraph 1, while for the offence under paragraph 2 he shall be sentenced to imprisonment for not more than three years.

(4) If any of offences under the paragraphs 1 or 2 of this Article has resulted in the death of one or more persons, the perpetrator shall be sentenced to imprisonment for not less than one and more than twelve years for the offence under paragraph 1, while for the offence under paragraph 2 he shall be sentenced to imprisonment for not less than one and not more than eight years.

## Failure to Implement Measures to Protect Military Units Article 276

(1) A commanding officer who endangers human life or property of high value by failing to implement the prescribed or ordered measures for the protection of the lives and health of men entrusted to him, for the safeguarding and maintenance of military installations, objects and means of combat, or for the regular supply of his military unit with food, equipment and materials, or by failing to do what he is obliged to do in order to ensure the satisfactory and timely completion of tasks of protection, shall be sentenced to imprisonment for not more than three years.

(2) If the offence under the preceding paragraph has been committed through negligence, the perpetrator shall be sentenced to imprisonment for not more than one year.

(3) If any of the offences under paragraphs 1 or 2 of this Article involves grievous bodily harm to one or more persons, the perpetrator shall be sentenced to imprisonment for not less than one and not more than five years for the offence under paragraph 1, while for the offence under paragraph 2 he shall be sentenced to imprisonment for not more than three years.

(4) If any of offences under paragraphs 1 or 2 of this Article has resulted in the death of one or more persons, the perpetrator shall be sentenced to imprisonment for not less than one and not more than twelve years for the offence under paragraph 1, while for the offence under paragraph 2 he shall be sentenced to imprisonment for not less, than one and not more than eight years.

#### Failure to Implement Protective Measures During Military Drills Article 277

(1) A member of the military who, during exercises, training or testing courses, fails to implement the prescribed or ordered safety or precautionary measures, thereby endangering human life or property of high value, shall be sentenced to imprisonment for not more than three years.

(2) If the offence under the preceding paragraph has been committed through negligence, the perpetrator shall be sentenced to imprisonment for not more than one year.

(3) If any of the offences under paragraphs 1 or 2 involve grievous bodily harm to one or more persons, the perpetrator shall be sentenced to imprisonment for not less than one and not more than five years for the offence under paragraph 1, while for the offence under paragraph 2 he shall be sentenced to imprisonment for not more than three years.

(4) If any of the offences under paragraphs 1 or 2 of this Article has resulted in the death of one or more persons, the perpetrator shall be sentenced to imprisonment for not less than one and not more than twelve years for the offence under paragraph 1, while for the offence under paragraph 2 he shall be sentenced to imprisonment for not less than one and not more than eight years.

#### Liability for Offence Committed by Order of a Superior Article 278

A subordinate shall not be punished if he commits a criminal offence by order or command of a superior issued in the course of military service, unless he has committed a war crime or any other grave criminal offence, or if he knew that the carrying out of the order or command constituted a criminal offence.

#### Reduced Punishment in Cases of Provocation Article 279

If the perpetrator of criminal offences under Article 269, paragraph 1 of Article 270 or paragraph 1 of Article 273 of this Penal Code has been provoked by unlawful or

brutal conduct on the part of a member of the military, his punishment may be reduced or remitted.

## Chapter Twenty-Eight

### CRIMINAL OFFENCES AGAINST ADMINISTRATION OF JUSTICE

#### Failure to Inform Authorities of Preparations for Crime Article 280

(1) Whoever, knowing of preparations to be undertaken for the commission of a criminal offence for which the punishment of more than three years' imprisonment is prescribed by statute, fails to inform the competent authorities thereof early enough for the committing of the offence in question to be prevented, and if the perpetration of such an offence is subsequently attempted or accomplished, shall be sentenced to imprisonment for not more than one year.

(2) If the offence under the preceding paragraph has been committed with respect to a criminal offence for which the imposition of the sentence of not less than fifteen years' imprisonment or a life sentence is prescribed by statute, the perpetrator shall be sentenced to imprisonment for not more than three years.

(3) No punishment shall be imposed on whoever fails to inform the competent authorities of preparations to commit a criminal offence under paragraph 1 of this Article, provided that he is the spouse, extra-marital partner, a partner with whom he lives in a registered same-sex partnership, lineal relative, brother, sister, adoptive parent or adopted child of the perpetrator. If any of the persons above is not to be punished for failure to submit a report of the preparations of crime under paragraph 1 of this Article, neither shall his spouse, or extra-marital partner, or a partner with whom he lives in a registered same-sex partnership be punished for such an offence.

#### Failure to Provide Information of Crime or Perpetrator Article 281

(1) Whoever knows of a perpetrator of a criminal offence for which the sentence of not less than fifteen years' imprisonment is prescribed, or whoever knows of the commission of such a criminal offence and fails to inform the competent authorities thereof whereby such information is decisive to the discovery of the perpetrator of the crime, shall be sentenced to imprisonment for not more than three years.

(2) An official who knowingly fails to submit a report of a criminal offence of which he comes to know during the performance of his official duties, and for which the punishment of more than three years' imprisonment is prescribed under the statute, the perpetrator whereof is prosecuted ex officio, shall be sentenced to imprisonment for not more than three years.

(3) No punishment shall be imposed on whoever fails to submit information about a crime, provided that they are either the spouse, extra-marital partner, a partner with whom he lives in a registered same-sex partnership, lineal relative, brother, sister, adoptive parent, adopted child, defence counsel, doctor or confessor of the perpetrator. If any of these persons referred to in this paragraph, except the defence counsel, doctor or confessor, is not to be punished for failure to submit information about the crime under paragraph 1 of this Article, neither shall his spouse or extra-marital partner or a partner with whom he lives in a registered same-sex partnership, be punished for committing such an offence.

#### Accessory to the Perpetrator after the Commission of a Criminal Offence Article 282

(1) Whoever conceals the perpetrator of a criminal offence prosecuted ex officio or by concealing the instruments or traces of criminal offence, or otherwise assists him in order not to be discovered, or whoever hides the convicted person or performs any other act in order to prevent the implementation of a punishment or imposed safety measure, or that the measure of committal to an educational centre or reformatory be applied, shall be punished by imprisonment of up to one year.

(2) If the assistance under the preceding paragraph is provided to the perpetrator of a criminal offence which is punishable by not less than fifteen years of imprisonment or a life sentence, the person providing the assistance, shall be punished by imprisonment up to five years.

(3) The punishment under paragraph 1 of this Article may not be greater, either in type or extent, than the punishment prescribed for the criminal offence committed by the person to which the accessory has rendered assistance.

(4) No punishment shall be imposed on whoever fails to inform the competent authorities of preparations to commit a criminal offence under paragraphs 1 or 2 of this Article, provided that he is the spouse, extra-marital partner, a person with whom he lives in a registered same-sex partnership, lineal relative, brother, sister, adoptive parent or adopted child of the perpetrator. Since any of these persons is not to be punished for being an accessory after the fact under paragraphs 1 or 2 of the present Article, neither shall his spouse or extra-marital partner or a partner with whom he lives in a registered same-sex partnership be punished for such an offence.

(5) In the event of the prosecution of the perpetrator of a criminal offence being initiated upon complaint, the same shall apply to the perpetrator of the offence under paragraph 1 of the present Article.

#### False Reporting of Crime Article 283

(1) Whoever accuses another person of having committed a criminal offence subject to prosecution *ex officio*, knowing the accusation to be false, shall be sentenced to imprisonment for not more than two years.

(2) The same sentence shall be imposed on whoever shifts the traces of a crime to another person or otherwise causes the initiation of criminal proceedings against such a person *ex officio*, in the knowledge that that person is not the perpetrator of the criminal offence concerned.

(3) Whoever falsely indicts himself of a criminal offence subject to prosecution by virtue of office shall be punished by a fine.

(4) The same punishment as that referred to in the preceding paragraph shall be imposed on whoever alleges a criminal offence, subject to prosecution by virtue of office, to have been perpetrated, knowing the allegation to be false, thus causing state authorities to start to act.

(5) If the offence under paragraphs 1 or 2 of this Article has been committed by an official by abusing official position, he shall be sentenced to imprisonment for not more than three years.

#### False Deposition Article 284

(1) A witness, expert, appraiser, translator or interpreter who gives a false deposition before the court in a trial for misdemeanour, in the course of parliamentary investigation, or during disciplinary or administrative proceedings; an expert or appraiser who produces a false opinion in writing; or a translator who makes a false written translation, shall be sentenced to imprisonment for not more than three years.

(2) The same sentence shall be imposed on any party who, being heard in civil, non-contentious, execution or administrative proceedings, produces a false statement upon which the court or other competent authority has based its decision in such proceedings.

(3) For perjuring himself before the criminal court, a perpetrator shall be sentenced to imprisonment for not more than five years.

(4) If the offence under the preceding paragraph entails particularly serious consequences for the accused, the perpetrator shall be sentenced to imprisonment for not less than one and not more than eight years.

(5) If the perpetrator withdraws a false statement before a judgment is passed, he shall be punished by a fine or his punishment shall be remitted.

Tampering with Evidence  
Article 285

(1) Whoever, with the intention of preventing or hindering the production of evidence, conceals, destroys or damages a document of another, or other object proposed as evidence, or renders such a document or object wholly or partly useless, shall be sentenced to imprisonment for not more than three years.

(2) The same sentence shall be imposed on whoever, with the intention under the previous paragraph, removes, destroys, damages, shifts or displaces a boundary stone, geodetic mark or any other landmark intended to designate the right of real property or the right to use water, as well as whoever, with the same intention, falsely sets up such a landmark.

(3) Whoever, with the intention of preventing or hindering the production of evidence in a criminal offence, produces evidence which he is aware of being false or falsified, shall be sentenced to imprisonment for not more than five years.

Obstruction of Judicial and Other State Authorities  
Article 286

(1) Whoever, with the intention of influencing testimony or production of evidence in a trial before the court or in an administrative procedure or in the course of parliamentary investigation, applies force, threat or intimidation against any third person, offers or gives him illegal benefits, shall be sentenced to imprisonment for not more than five years.

(2) The same sentence shall be imposed on whoever, with the intention of influencing the performance of the official duties of officials in the administration of justice, law enforcement authorities in relation to criminal proceedings, applies force, threat or intimidation against an official.

Violation of Secret Proceedings  
Article 287

(1) Whoever, without authorisation, discloses any matter of which he came to know during proceedings prior to a trial, during the trial before the court, during oral trial in administrative procedure, or during trial for misdemeanour, or in the course of a parliamentary investigation, whereby the publication thereof is prohibited either by statute or by a decision issued by a court or other competent authority, shall be punished by a fine or sentenced to imprisonment for not more than a year.

(2) Whoever publishes personal details of a child who is party to a judicial, administrative, or any other proceedings, or publishes other information which would be

relevant to establishing the child's identity, shall be punished by a fine or sentenced to imprisonment for not more than three years.

(3) Whoever reveals the identity of a protected witness, endangered person or a person with changed identity, shall be sentenced to imprisonment for not more than three years.

(4) If an official commits an offence under the previous paragraph, he shall be sentenced to imprisonment for not more than five years.

#### Unlawful, Partial and Unfair Trial Article 288

(1) A judge who, in conducting judicial proceedings or handing down a court decision knowingly violates or distorts the law with the intention of causing damage to the party in proceedings or prioritise him unlawfully, shall be sentenced to imprisonment for not more than three years.

(2) The same sentence shall be imposed on a judge who, with the intention referred to in the preceding paragraph of this Article, bases a court decision on facts which he is aware do not exist, or are imputed by false or unlawful evidence.

#### Preventing Return to Work Article 289

Whoever knowingly fails to comply with a final judgment entitling a worker to return to his post shall be punished by a fine or sentenced to imprisonment for not more than one year.

#### Violation of Prohibition from Exercising Profession Article 290

Whoever enables another person to perform a profession, activity or function, although knowing that this person has been prohibited from exercising such a profession by the final decision of a court, either under the imposed safety or protection measure of prohibition from exercising occupation or under the legal consequences of the conviction, shall be punished by a fine or by imprisonment of up to one year.

#### Escape from Confinement Article 291



Whoever, by force or threat of imminent attack on life or limb, escapes from a prison or detention centre, shall be sentenced to imprisonment for not more than three years.

Mutiny of Confined Persons  
Article 292

(1) Whoever forms part of a group of prisoners gathered together with a view to delivering themselves forcibly from detention, or to exercising a joint attack on persons empowered to exercise supervision over them, or to compelling these persons supervising, by means of force or threat of imminent use of force, to commit or omit to commit an act contrary to their duties, shall be sentenced to imprisonment for not more than two years.

(2) The perpetrator of the offence under the preceding paragraph, who has applied force or threat, shall be sentenced to imprisonment for not more than three years.

Enabling Escape from Confinement  
Article 293

(1) Whoever, by force, threat, deception, or otherwise enables the escape of a person serving sentence in a prison, or a detained person or a minor in a reformatory, shall be punished by imprisonment of up to three years.

(2) If the offence under the preceding paragraph has been perpetrated by an organised group, the perpetrator shall be punished by imprisonment of up to five years.

Chapter Twenty-Nine

CRIMINAL OFFENCES AGAINST PUBLIC ORDER AND PEACE

Criminal Association  
Article 294

(1) Whoever participates in a criminal association which has the purpose of committing criminal offences for which a punishment by imprisonment of more than three years, or a life sentence may be imposed, shall be punished by imprisonment of three months up to five years.

(2) Whoever establishes or leads an association as referred to in the preceding paragraph, shall be punished by imprisonment of six months up to eight years.

(3) A perpetrator of a criminal offence from the preceding paragraphs who prevents further commission of these offences or discloses information which has a bearing on the investigation and proving of criminal offences that have already been committed, may have his punishment for these offences mitigated, in accordance with Article 51 of this Penal Code.

#### Criminal Conspiracy Article 295

Whoever agrees to commit a criminal offence with another, for which a punishment exceeding five years' imprisonment or a heavier sentence may be imposed, shall be sentenced to imprisonment for not more than one year.

#### Violent Conduct Article 296

(1) Whoever maltreats another, beats him or punishes him in any other painful or humiliating manner, persecutes him or deprives him of freedom of movement by use of force or threat of imminent attack on life or limb, forces him to work or to omit work, or otherwise puts him in a subordinate position by violently restricting his equal rights, shall be punished by imprisonment of up to two years.

(2) If the offence under the above paragraph has been committed by at least two or more persons, or has entailed the serious humiliation of several persons or light bodily harm, the perpetrator shall be punished by imprisonment of up to three years.

(3) The same sentence as that referred to in the preceding paragraph shall be imposed on a person who causes violence or poses threat to the safety of others at sporting events, or in relation to such events.

#### Public Incitement to Hatred, Violence or Intolerance Article 297

(1) Whoever publicly provokes or stirs up ethnic, racial, religious or other hatred, strife or intolerance, or provokes any other inequality on the basis of physical or mental deficiencies or sexual orientation, shall be punished by imprisonment of up to two years.

(2) The same sentence shall be imposed on a person who publicly disseminates ideas on the supremacy of one race over another, or provides aid in any manner for racist activity or denies, diminishes the significance of, approves, disregards, makes fun of, or advocates genocide, holocaust, crimes against humanity, war crime, aggression, or other criminal offences against humanity.

(3) If the offence under preceding paragraphs has been committed by publication in mass media, the editor or the person acting as the editor shall be sentenced to the punishment, by imposing the punishment referred to in paragraphs 1 or 2 of this Article, except if it was a live broadcast and he was not able to prevent the actions referred to in the preceding paragraphs.

(4) If the offence under paragraphs 1 or 2 of this Article has been committed by coercion, maltreatment, endangering of security, desecration of national, ethnic or religious symbols, damaging the movable property of another, desecration of monuments or memorial stones or graves, the perpetrator shall be punished by imprisonment of up to three years.

(5) If the acts under paragraphs 1 or 2 of this Article have been committed by an official by abusing their official position or rights, he shall be punished by imprisonment of up to five years.

(6) Material and objects bearing messages from paragraph 1 of this Article, and all devices intended for their manufacture, multiplication and distribution, shall be confiscated, or their use disabled in an appropriate manner.

#### Participation in a Group Committing a Criminal Offence Article 298

(1) Whoever participates in a group which, through collaboration, commits violence against people, destroys or damages property of considerable value, or attempts to commit such criminal offences, shall be sentenced to imprisonment for not more than two years.

(2) If the action of the group under the preceding paragraph entails the death of, or grievous bodily harm to a human being, the person(s) participating shall be sentenced to imprisonment for not more than three years.

(3) The leader of the group which has committed the offence under paragraphs 1 or 2 of this Article shall be sentenced to imprisonment for not less than six months and not more than five years.

#### Obstructing the Performance of Official Acts or Revenge upon an Official Article 299

(1) Whoever, by force or threat of imminent use of force, prevents an official from performing an official act which he intended to perform within the scope of his official duties, or whoever in the same manner compels an official to perform an official act, shall be sentenced to imprisonment for not less than three months and not more than two years.

(2) If the perpetrator under paragraph 1 of this Article insults the official, maltreats him or inflicts actual bodily harm upon him, or threatens to use a weapon or a dangerous object or means, he shall be sentenced to imprisonment for not less than six months and not more than five years.

(3) Whoever commits the offence under paragraphs 1 or 3 of the present Article against an official exercising tasks of police or national security, pursuing the perpetrator of a criminal offence or guarding a detained person, or performs criminal prosecution acts, acts of administrative inspection supervision, conducts an investigation, or judges in criminal proceedings, shall be sentenced to imprisonment for not less than one and not more than five years.

(4) The same sentence as that referred to in the preceding paragraph shall be imposed on a person who avenges himself on an official who performs or has performed acts in a violations procedure or criminal prosecution, exercises the tasks of the police, performs acts of administrative inspection supervision, conducts or has conducted an investigation, or judges or has judged in criminal proceedings, for the acts committed by himself or another official within his rights so as to put in danger the life, limb, personal security, or property of the official or his close relatives.

(5) If the perpetrator of the offence from paragraphs 1 to 4 of this Article was provoked by the unlawful conduct of the official, he shall be punished by a fine or sentenced to imprisonment for a term not exceeding six months, or his punishment may be remitted.

#### Attack on an Official Exercising SecurityTasks Article 300

(1) Whoever attacks an official or another person whom he knows to be assisting that official in exercising tasks of the police or national security or in safeguarding public order, or a person exercising tasks in relation to the execution of criminal sentence, or whoever seriously threatens such an attack, shall be sentenced to imprisonment for not less than six months and not more than three years.

((2) If the perpetrator under paragraph 1 of this Article threatens the official, or other person whom he knows to be assisting that official, with weapons or a dangerous object or means, maltreats him or inflicts actual bodily harm upon him, he shall be sentenced to imprisonment for not less than six months and not more than five years.

(3) The punishment under the above paragraph shall be imposed on the perpetrator who has committed the offence under paragraph 1 of this Article against two or more persons.

#### Participation in a Group Obstructing an Official in the Performance of an Official Act Article 301

(1) Whoever participates in a group which, through collaborative action, prevents or attempts to prevent an official from performing an official act or in the same manner compels an official to perform an official act, shall be, for the act of participation itself, sentenced to imprisonment for not less than three months and not more than two years.

(2) The leader of the group which has committed the offence under the preceding paragraph shall be sentenced to imprisonment for not less than six months and not more than three years.

#### Incitement to Rebellion Article 302

(1) Whoever incites other persons to violate lawful decisions and measures taken by state authorities or to rebel against an official performing an official act, shall be sentenced to imprisonment for not more than one year.

(2) If any decision or measure in question has not been implemented or its implementation has been considerably hampered as a result of the offence under the preceding paragraph, or if the same has been committed by the leader of the group, the perpetrator shall be sentenced to imprisonment for not more than three years.

#### Removal or Damaging of Official Seal or Mark Article 303

Whoever removes or damages an official seal or mark used by an official in order to protect certain objects or premises, or whoever enters such premises without removing or damaging the seal or mark, shall be punished by a fine or sentenced to imprisonment for not more than six months.

#### Detachment or Destruction of an Official Seal or Official Documents Article 304

(1) Whoever unlawfully detaches, conceals, destroys, damages or otherwise renders useless an official seal, book, file or document belonging to or being in the possession of a state agency, company or other legal entity or a person or an individual executing tasks under public authorisation, shall be sentenced to imprisonment for not more than two years.

(2) Any attempt to commit such an offence shall be punishable.

#### Impersonation of an Official or a Member of the Military

#### Article 305

(1) Whoever falsely represents himself as an official or a member of the military or whoever bears the insignia of an official or a member of the military with the intention of procuring an advantage for himself or another, or of causing damage to another, shall be punished by a fine or sentenced to imprisonment for not more than one year.

(2) The same punishment shall be imposed on whoever performs any act which only an official or a member of the military is entitled to perform.

#### Manufacture and Acquisition of Weapons and Instruments Intended for the Commission of Criminal Offence

#### Article 306

(1) Whoever manufactures or acquires or keeps weapons, explosive materials or instruments for their manufacture, or poisons which he knows to be intended for the commission of a criminal offence, or whoever provides another person with access to the same, shall be sentenced to imprisonment for not more than three years.

(2) Whoever manufactures or offers to another, a false key, lock-pick or any other instrument of burglary, if he knows it to be intended for the commission of a criminal offence, shall be sentenced to imprisonment for not more than one year.

(3) The punishment under the above paragraph shall be imposed on whoever possesses, manufactures, sales, puts to use, imports, exports, or makes available in any other manner, with the intention of committing a criminal offence, instruments intended for the breaking or illegal entry into the information system.

#### Illegal Manufacture of and Trade in Weapons or Explosive Materials Article 307

(1) Whoever unlawfully manufactures, acquires, offers, sells, barter or imports into or exports from the country firearms, chemical, biological or nuclear weapon, ammunition or explosive materials or military weapons and equipment, trade in which is prohibited to individuals or is restricted, or intermediates therein, shall be sentenced to imprisonment for not less than six months and not more than five years.

(2) If the offence under the preceding paragraph involves a large quantity of or very valuable or dangerous firearms, ammunition, explosive substances or other means of combat, or if it poses threat, or if the act has been committed within a criminal association, the perpetrator shall be sentenced to imprisonment for not less than one and not more than ten years.

(3) If the act under paragraph 1 of this Article involves an individual firearm or a small quantity of ammunition for such a firearm, the perpetrator shall be punished by imprisonment of up to one year.

(4) The same sentence as that referred to in the preceding paragraph shall be imposed on a person who falsifies, or destroys, removes, or changes without authorisation marks on firearms.

(5) Whoever unlawfully manufactures, acquires, keeps, sells, barter imports into or exports from the country composite or spare parts of firearms, ammunition, explosive materials or military weapons and equipment, a substance or ingredients of which he is aware to be used for the manufacture or operation of the items referred to in preceding paragraphs, or intermediates therein, shall be sentenced to imprisonment for not more than five years.

#### Prohibited Crossing of State Border or Territory Article 308

(1) Whoever crosses the border of the Republic of Slovenia by force, or enters its territory illegally armed with weapons, shall be sentenced to imprisonment for not less than three months, and not more than three years and punished by a fine.

(2) The same punishment shall be imposed on an alien who does not possess a residence permit for the Republic of Slovenia, or if he stays in its territory in the manner as referred to in the preceding paragraph, or resists a legal removal therefrom.

(3) Whoever engages in the prohibited transit of aliens, without leave to enter or remain in the Republic of Slovenia, across the border of the Republic of Slovenia, or whoever transits aliens or helps to conceal them, or whoever is engaged in assisting a group of two or more such aliens to cross the border or the territory of the state against payment, shall be punished by a term of up to five years of imprisonment and by a fine.

(4) An official who, by abusing his official position or rights, enables an alien illegal entry to the territory of the Republic of Slovenia or illegal stay therein, shall receive the penalty referred to in the preceding paragraph.

(5) If a disproportionate property benefit has been gained for himself or a third person by the perpetrator committing offences referred to in paragraphs 3 or 4 of this Article, or if he acquires a work force without rights, or poses a threat to human life or health, or commits such acts as a member of a criminal association, he shall be sentenced to imprisonment for not less than one and not more than eight years and punished by a fine.

(6) Whoever gains over or collects people with a view of illegal transfer, provides them with forged documents or transportation, or organises illegal transfer in

any other way, shall be sentenced to imprisonment for not more than five years and punished by a fine

(7) The above paragraph shall also apply to criminal offences committed abroad, if the country where such offences have been committed has adopted, like the Republic of Slovenia, the common international legal obligation of preventing such criminal offences, regardless of where they are committed, and has determined such acts in its law in the same proper way as criminal offences. If the criminal offence has been committed in the territory of the European Union, in the application of paragraphs 2, 3, 4 and 5 of this Article the citizens of its Member States shall not be considered aliens.

#### Abuse of Distress and Warning Signals Article 309

(1) Whoever abuses a distress or warning signal or makes an undue call for help, or provides false information on a threat, thus causing a state body or other authorised organisation to act unnecessarily or use unlawfully the means of the system of protection, rescue and assistance, shall be sentenced to imprisonment for not more than three years.

(2) If the act referred to in the preceding paragraph prevents or obstructs the work of judicial or other state authorities, and thus prevents an official act from being carried out or results in a large loss of property, the perpetrator shall be sentenced to imprisonment for not more than five years.

#### Self-Willed Exercise of Rights Article 310

(1) Whoever exercises an existing or an alleged right outside the prescribed legal process shall be punished by a fine or sentenced to imprisonment for not more than six months.

(2) Whoever exercises an existing or an alleged right outside the prescribed legal process, using force or serious threat of attack on life or limb, shall be sentenced to imprisonment for not more than two years.

(3) Whoever commits the offence under the preceding paragraph on behalf of another shall be punished to the same extent.

(4) Whoever commits the offence under paragraph 2 of this Article to collect a debt for himself or a third person shall be sentenced to imprisonment for not more than three years.



(5) The prosecution for the offence under paragraph 1 of this Article shall be initiated on a private action, while for offences under paragraphs 2 and 3, proceedings shall be initiated upon a complaint.

#### Disrupting Religious Ceremonies Article 311

Whoever disrupts, prevents or interrupts a religious ceremony from taking place, or whoever acts offensively at a place intended for such a ceremony, shall be punished by a fine or sentenced to imprisonment for not more than one year.

#### Disrupting Funerals and Desecration of Graves Article 312

(1) Whoever disrupts, prevents or interrupts a funeral, shall be sentenced to imprisonment for not more than one year.

(2) The same punishment shall be imposed on a person who without authority digs up or demolishes a grave or other place of interment, or otherwise desecrates the same.

(3) If offences under the preceding paragraphs have been committed by two or more persons, or if two or more graves have been desecrated by such an offence, the perpetrators shall be sentenced to imprisonment for not more than three years.

#### Abuse of Corpses Article 313

Whoever without authority hides, removes, damages, destroys or otherwise abuses a corpse or any part thereof, or abuses mortal remains, shall be sentenced to imprisonment for not more than two years.

### Chapter Thirty

## CRIMINAL OFFENCES AGAINST THE GENERAL SAFETY OF PEOPLE AND PROPERTY

#### Causing Public Danger Article 314

(1) Whoever endangers human life or property of substantial value by means of fire, flood, explosion, poison or poisonous gas, ionising radiation, mechanical force, electricity or other forms of energy, or by other means of causing public danger, or by an

act capable of causing public danger, or by the omission of an act he was obliged to perform in order to protect the general safety of people and property, shall be sentenced to imprisonment for not more than five years.

(2) Whoever plans, tries to or carries out a dangerous act whereby human safety or property of considerable value is endangered, by using explosive materials or by other dangerous act and means, with the intention of blackmailing, intimidating, inducing to perform or to omit to perform another act, revenging, or procuring any property or non-property benefit for himself or another, shall be sentenced to imprisonment for not less than one and not more than eight years.

(3) If the offence under paragraph 1 is committed through negligence, the perpetrator shall be punished by a fine or sentenced to imprisonment for not more than one year.

(4) If the offence under paragraphs 1, 2 or 3 of this Article entails grievous bodily harm to one or more persons, or a substantial loss of property, the perpetrator shall be sentenced to imprisonment for not more than ten years for the offence under paragraphs 1 and 2, while for the offence under paragraph 3 he shall be sentenced to imprisonment for not more than five years.

(5) If the offence under paragraphs 1, 2 or 3 of this Article entails the death of one or more persons, the perpetrator shall be sentenced to imprisonment for not less than one and not more than fifteen years for the offence under paragraph 1, for the offence under paragraph 2 to imprisonment for not less than fifteen years, while for the offence under paragraph 3 he shall be sentenced for not more than eight years.

#### Causing Danger in Building Activity Article 315

(1) A person responsible for the design and supervision of projects concerning the preparation and execution of building or construction works who, in exercising his responsibilities, fails to comply with regulations or with generally recognised technical rules, thereby endangering human life or property of substantial value, shall be sentenced to imprisonment for not more than three years.

(2) If the offence under the preceding paragraph is committed through negligence, the perpetrator shall be punished by a fine or sentenced to imprisonment for not more than one year.

(3) If the offence under paragraphs 1 or 2 of this Article entails grievous bodily harm to one or more persons, or a substantial loss of property, the perpetrator shall be sentenced to imprisonment for not less than one and not more than five years for the offence under paragraph 1, while for the offence under paragraph 2 he shall be sentenced to imprisonment for not more than three years.

(4) If the offence under paragraphs 1 or 2 of this Article entails the death of one or more persons, the perpetrator shall be sentenced to imprisonment for not less than one and not more than twelve years for the offence under paragraph 1, while for the offence under paragraph 2 he shall be sentenced to imprisonment for not more than eight years.

#### Causing Danger through Nuclear Materials Article 316

(1) Whoever possesses, uses, deposits, transports or otherwise disposes of nuclear materials contrary to regulations or the technical rules concerning safety measures shall be sentenced to imprisonment for not more than three years.

(2) If the offence under the preceding paragraph is committed through negligence, the perpetrator shall be punished by a fine or sentenced to imprisonment for not more than one year.

(3) Whoever unlawfully acquires nuclear materials and possesses, deposits, uses, transports, conveys them to another or makes them available to another shall be sentenced to imprisonment for not more than five years.

((4) If the offence under paragraphs 1, 2 or 3 of this Article entails grievous bodily harm to one or more persons, or a substantial loss of property, the perpetrator shall be sentenced to imprisonment for not more than five years for the offence under paragraph 1; for the offence under paragraph 2 he shall be sentenced to imprisonment for not more than three years; for the offence under paragraph 3 he shall be sentenced to imprisonment for not less than one and not more than eight years.

(5) If the offence under paragraphs 1, 2 or 3 of this Article entails the death of one or more persons, the perpetrator shall be sentenced to imprisonment for not less than one and not more than twelve years for the offence under paragraph 1; for the offence under paragraph 2 he shall be sentenced to imprisonment for not less than one and not more than eight years; for the offence under paragraph 3 he shall be sentenced to imprisonment for not less than three and not more than fifteen years.

#### Posing a Threat to the Environment by Noise or Light Article 317

(1) Whoever violates regulations by causing an excessive noise or too strong lightning which could result in severe damage to human health, shall be punished by a fine or sentenced to imprisonment for not more than two years.

(2) If the offence under the preceding paragraph is committed through negligence, the perpetrator shall be punished by a fine or sentenced to imprisonment for not more than one year.

Damaging or Destroying Public Installations  
Article 318

(1) Whoever damages, destroys or removes electrical wires, gas pipes, water supply installations, heating installations, pipelines, means of telecommunications, submarine cables, sewerage installations, means of environmental protection, or other similar public installations, thus causing disturbance in the supply to the population and to industry, shall be sentenced to imprisonment for not more than five years.

(2) If the offence under the preceding paragraph is committed through negligence, the perpetrator shall be punished by a fine or sentenced to imprisonment for not more than one year.

Transporting or Carrying Explosive and Dangerous Materials against Regulation  
Article 319

Whoever, in non-compliance with regulations on the transportation of explosive and other highly-inflammable materials or other dangerous substances and waste, transports such materials and substances, or hands them over for shipment by any means of public transport, or carries them himself by using any means of public transport, shall be punished by a fine or sentenced to imprisonment for not more than one year.

Abuse of Telecommunication Signals  
Article 320

Whoever knowingly and unnecessarily transmits an internationally agreed signal denoting a distress call or warning of a dangerous situation, or whoever by the transmission of a telecommunication signal deceives the addressee in believing that a situation in fact poses no danger, or whoever otherwise misuses an internationally agreed telecommunication signal, shall be punished by a fine or sentenced to imprisonment for not more than one year.

Failure to Avert Danger  
Article 321

(1) Whoever fails to inform the competent authority or organisation about the danger of fire, flood, explosion, traffic accident, ecological catastrophe or any other danger to human life, the natural environment or property of substantial value, or otherwise fails to take the measures necessary to avert such dangers, although he could have done so without exposing himself or another person to danger, shall be punished by a fine or sentenced to imprisonment for not more than one year.

(2) Whoever, by the use of force, threat or deception, prevents another from taking measures necessary to avert danger to human life, the natural environment, or property of substantial value, shall be sentenced to imprisonment for not more than two years.

Refusal to Co-operate in Averting Public Danger  
Article 322

Whoever, contrary to an order issued by the competent authority or organisation and without a justified reason, fails to co-operate in averting public danger by removing the consequences thereof shall be punished by a fine or sentenced to imprisonment for not more than six months.

Chapter Thirty-One

CRIMINAL OFFENCES AGAINST THE SAFETY OF PUBLIC TRAFFIC

Causing a Traffic Accident through Negligence  
Article 323

(1) A person participating in public traffic who, by negligent violation of the regulations on road safety, causes a traffic accident whereby another person is seriously injured, shall be punished by a fine or sentenced to imprisonment for not more than three years.

(2) If the offence under the preceding paragraph entails the death of one or more persons, the perpetrator shall be sentenced to imprisonment for not more than eight years and banned from driving a motor vehicle.

Audacious Driving in Road Traffic  
Article 324

(1) A driver of a motor vehicle who endangers the life or limb of fellow-passengers or other present participants in the road traffic by audacious driving in road traffic, thereby exceeding the speed by twice the permitted speed on the road, in a settlement, in a pedestrian zone, in the slow traffic zone, or in the limited speed zone, or by driving under the influence of alcohol with more than 1.10 grams of alcohol per kilogram of blood, or more than 0.52 milligrams of alcohol per litre of exhaled air, or drives under the influence of drugs, psychoactive medicines or other psychoactive substances, whereby

- overtaking other vehicles contrary to regulations governing the safety of road traffic,
- not respecting right of way rules,
- driving with a too short safety distance,

- on a road with two or more marked driving lanes for driving in one direction, driving on the road surface intended for driving in the opposite direction,
- causing a dangerous situation by any other breach of road safety regulations which could result in a traffic accident, which other participants in road traffic avoided by timely action,

shall be sentenced to imprisonment for not more than three years.

(2) If the offence under the preceding paragraph entails a traffic accident causing severe bodily injury to one or more persons, the perpetrator shall be sentenced to imprisonment for not more than five years and banned from driving a motor vehicle.

(3) If the offence under paragraph 1 of this Article entails a traffic accident causing the death of one or more persons, the perpetrator shall be sentenced to imprisonment for not less than one and not more than twelve years and banned from driving a motor vehicle.

#### Endangering Special Types of Public Traffic Article 325

(1) Whoever, by negligent violation of safety regulations, causes a railway, shipping or air accident, or does so in the course of cable railway transportation or the public road transportation of passengers, shall be punished by a fine or sentenced to imprisonment for not more than two years.

(2) If the offence under the preceding paragraph entails serious injury to another, the perpetrator shall be sentenced to imprisonment for not more than five years and banned from driving a motor vehicle.

(3) If the offence under paragraph 1 of this Article entails the death of one or more persons, the perpetrator shall be sentenced to imprisonment for not more than eight years and banned from driving a motor vehicle.

#### Endangering Public Traffic by Dangerous Acts or Means Article 326

(1) Whoever destroys or damages traffic installations, means of communication, traffic signs and signalling devices or safety installations, or whoever transmits false signals or signs, creates obstacles on streets, roads or other traffic areas, or acts in any similar way, thereby endangering human life or property of substantial value, shall be sentenced to imprisonment for not more than three years.

(2) If the offence under the preceding paragraph is committed through negligence, the perpetrator shall be sentenced to imprisonment for not more than one year.

(3) If the offence under paragraphs 1 or 2 of this Article entails serious injury to one or more persons or a substantial loss of property, the perpetrator shall be sentenced to imprisonment for not more than five years for the offence under paragraph 1, while for the offence under paragraph 2 he shall be sentenced to imprisonment for not more than three years.

(4) If the offence under paragraphs 1 or 2 of this Article entails the death of one or more persons, the perpetrator shall be sentenced to imprisonment for not less than one and not more than twelve years for the offence under paragraph 1, while for the offence under paragraph 2 he shall be sentenced to imprisonment for not more than eight years.

#### Failure to Exercise Supervision of Public Traffic Article 327

(1) A person entrusted with the supervision and maintenance of roads and bridges, means of communication or public traffic, or a person entrusted with directing traffic who, by breaching his duties, causes danger to human life or property of substantial value, shall be sentenced to imprisonment for not more than three years.

(2) The same sentence shall be imposed on whoever, in the knowledge that the driver is not capable of driving owing to fatigue or any other reason or that the vehicle in question is not technically perfect, issues a transport order and thus endangers human life or property of substantial value.

(3) If the offence under paragraphs 1 or 2 is committed through negligence, the perpetrator shall be sentenced to imprisonment for not more than one year.

(4) If the offence under paragraphs 1, 2 or 3 of this Article entails serious injury to one or more persons, or a substantial loss of property, the perpetrator shall be sentenced to imprisonment for not more than five years for the offence under paragraphs 1 and 2, while for the offence under paragraph 3 he shall be sentenced to imprisonment for not more than three years.

(5) If the offence under paragraphs 1, 2 or 3 of this Article entails the death of one or more persons, the perpetrator shall be sentenced to imprisonment for not less than one and not more than twelve years for the offence under paragraphs 1 and 2, while for the offence under paragraph 3 he shall be sentenced to imprisonment for not more than eight years.

#### Failure to Render Aid to a Person Injured in a Traffic Accident Article 328

(1) The driver of a motor vehicle or other means of transport who fails to render aid to a person who has been injured by, or owing to such means of transport shall be sentenced to imprisonment for not more than one year.

(2) If the offence under the preceding paragraph entails serious injury or the death of the injured person, the perpetrator shall be sentenced to imprisonment for not less than three months and not more than five years.

#### Hijacking a Plane or Ship Article 329

Whoever, by force or serious threat of force, takes over command of an aircraft during a flight, or of a sea-going vessel at sea, shall be sentenced to imprisonment for not less than one and not more than fifteen years.

#### Putting Air Traffic in Jeopardy Article 330

(1) Whoever endangers the safety of an aircraft by placing or bringing explosives or other similar devices aboard, by damaging or destroying navigational instruments, by causing other damage to the aeroplane, or by giving false information regarding the flight, or whoever by attacking the crew of an aircraft limits or reduces the capability of the crew to perform their duties, or by violating safety instructions which are visibly marked or communicated to the passengers by the captain of the plane or other members of the crew, shall be sentenced to imprisonment for not less than one and not more than ten years.

(2) The same sentence shall be imposed on whoever, by use of force or threat of force, coerces the personnel of an airport to discontinue operations concerning the flight schedule, or whoever, by means of explosive or other similar devices, destroys or damages an aircraft or installations designed to secure the safety of air traffic, thus endangering the safety of the airport.

(3) If the offence under paragraphs 1 or 2 of this Article entails the death of one or more persons, or the destruction of an aircraft or airport, the perpetrator shall be sentenced to imprisonment for not less than three and not more than fifteen years.

#### Destruction and Removal of Markings Intended for the Protection of Air Traffic Article 331

Whoever destroys, damages or removes markings intended to protect the safety of air traffic shall be sentenced to imprisonment for not more than two years.



## Chapter Thirty-Two

### CRIMINAL OFFENCES AGAINST THE ENVIRONMENT, SPACE AND NATURAL RESOURCES

#### Burdening and Destruction of Environment Article 332

(1) Whoever endangers the life or health of a substantial number of people, or causes, in whole or in part, damage to, or the destruction of the environment, or causes the threat of such damage or destruction, by breaching regulations

- 1) or by any other general dangerous action releases or introduces dangerous substances or ionizing radiation into the air, soil or water,
- 2) processes, including the removal, storage, transport, export or import of waste, dangerous waste or other dangerous substances, or sending these illegally for profit,
- 3) manages a plant where a dangerous activity takes place or dangerous substances or preparations are stored which results in a threat to the area outside of the plant,
- 4) significantly degrades a protected habitat,
- 5) trades in or uses substances which cause ozone layer depletion,
- 6) causes an excessive pollution of environment, impair the environment or excessively exploits natural goods,

shall be sentenced to imprisonment for not more than five years.

(2) If the offence under the preceding paragraph is committed through negligence, the perpetrator shall be punished by a fine or by an imprisonment of up to two years.

(3) If the offence under paragraphs 1 or 2 of this Article has as a consequence the impairment of health of a substantial number of people, the destruction, in whole or in part, of flora or fauna, or reservoirs of drinking water, or any other damage to the environment resulting in serious consequences, continuous pollution at a critical level or critical damage to the environment, the perpetrator shall be punished by imprisonment of up to eight years for the offence under paragraph 1, while for the offence under paragraph 2 he shall be punished by imprisonment of up to three years.

(4) If the offence under paragraphs 1 or 2 of this Article results as a consequence in irreparable damage to, or destruction of the environment or protected natural resources, the perpetrator shall be punished by imprisonment of up to ten years for the offence under paragraph 1, while for the offence under paragraph 2 he shall be punished by imprisonment of up to five years.

(5) If the offence under paragraphs 1 or 2 of this Article entails the death of one or more persons, the perpetrator shall be sentenced to imprisonment for not less than one and not more than twelve years for the offence under paragraph 1, while for the offence under paragraph 2 he shall be sentenced to imprisonment for not less than one and not more than eight years.

(6) The same punishment as referred to in the preceding paragraph shall be imposed on a perpetrator who commits the offences referred to in the preceding paragraph as a member of a criminal association for the commission of such criminal offences.

#### Pollution of Sea or Waters from Ships Article 333

(1) Whoever breaches regulations by releasing from a ship or other vessel oil, chemicals or other pollutants into the sea, lake or river waters, thus polluting the sea, waters or shores, shall be sentenced to imprisonment for not more than five years.

(2) If the offence under the preceding paragraph is committed through negligence, the perpetrator shall be punished by an imprisonment of up to three years.

(3) If the offence under paragraphs 1 or 2 of this Article causes the impairment of human health, or irreparable damage to, or destruction of waters or shoreline, animals or plants, the perpetrator shall be punished by imprisonment for not less than one and not more than ten years for the offence under paragraph 1, while for the offence under paragraph 2 he shall be punished by imprisonment of not less than six months and not more than five years.

(4) If the offence under paragraphs 1 or 2 of this Article entails the death of one or more persons, the perpetrator shall be sentenced to imprisonment for not less than three and not more than twelve years for the offence under paragraph 1, while for the offence under paragraph 2 he shall be sentenced to imprisonment for not less than one and not more than eight years.

#### Import and Export of Radioactive Substances Article 334

(1) Whoever, contrary to regulations, imports or exports nuclear or other dangerous substances or waste to or from the country, shall be punished by imprisonment of up to five years.

(2) Whoever, by abuse of his office or authorisations, enables, contrary to regulations, the import of the substances or waste in paragraph 1 of this Article into the country, shall be punished by imprisonment of six months up to eight years.

(3) If the offence referred to in paragraph 1 of this Article was committed within a criminal association for the commission of such criminal offences, the perpetrator shall be punished by imprisonment of one up to ten years.

#### Unlawful Acquisition or Use of Radioactive or Other Dangerous Substances

## Article 335

(1) Whoever breaches regulations by producing, accepting, possessing, processing, storing, using or transporting, dumping or discharging radioactive or other substances dangerous to human health and life and to the environment, shall be sentenced to imprisonment for not more than five years.

(2) If the offence under the preceding paragraph of this Article entails grievous bodily harm to one or more persons or substantial damage to the quality of air, soil, water, animals, or plants, the perpetrator shall be sentenced to imprisonment for not less than six months and not more than eight years.

(3) If the offence under paragraph 1 of this Article entails the death of one or more persons, the perpetrator shall be sentenced to imprisonment for not less than one and not more than ten years.

(4) Whoever acquires nuclear substances by means of larceny, robbery, misappropriation, fraud, threat or the use of force, or other method of intimidation, shall be sentenced to imprisonment for not less than one and not more than ten years.

(5) If the offence targeting or interfering with the operation of a nuclear facility entails grievous bodily harm or death of one or more persons, or a substantial loss of property or environmental damage, as a result of exposure to radiation or the release of radioactive substances, the perpetrator shall be sentenced to imprisonment for not less than one and not more than fifteen years.

(6) The same punishment as referred to in the preceding paragraph shall be imposed on a perpetrator who committed the offences referred to in the preceding paragraphs in a criminal association for the commission of such criminal offences.

## Pollution of Drinking Water Article 336

(1) Whoever pollutes water used by people for drinking water with any noxious agent, thereby causing danger to human life or health, shall be punished by imprisonment of up to three years.

(2) If the offence under the preceding paragraph is committed through negligence, the perpetrator shall be punished by a fine or by imprisonment of up to three months.

(3) If the offence under paragraphs 1 or 2 of this Article has as a consequence serious bodily injury to one or more persons, the perpetrator shall be sentenced to imprisonment of up to five years for the offence under paragraph 1, while for the offence under paragraph 2 he shall be punished by imprisonment of up to three years.

(4) If the offence under paragraphs 1 or 2 of this Article has as a consequence the death of one or more persons, the perpetrator shall be punished by imprisonment of one to twelve years for the offence under paragraph 1, while for the offence under paragraph 2 he shall be punished by imprisonment of one to eight years.

(5) Whoever pollutes water intended for the watering of animals with any noxious agent, thereby causing danger to life and health of animals, shall be punished by a fine or by imprisonment of up to one year.

(6) If the offence under paragraph 5 of this Article has as a consequence the death of animals of substantial value or of a substantial number of animals, the perpetrator shall be punished by imprisonment of up to three years.

#### Tainting of Foodstuffs or Fodder Article 337

(1) Whoever taints foodstuffs with any noxious agent, thereby causing danger to human life or health, shall be punished by imprisonment of up to three years.

(2) If the offence under the preceding paragraph is committed through negligence, the perpetrator shall be punished by a fine or by imprisonment of up to three months.

(3) If the offence under paragraphs 1 or 2 of this Article has as a consequence serious bodily injury to one or more persons, the perpetrator shall be sentenced by imprisonment of up to five years for the offence under paragraph 1, while for the offence under paragraph 2 he shall be punished by imprisonment of up to three years.

(4) If the offence under paragraphs 1 or 2 of this Article has as a consequence the death of one or more persons, the perpetrator shall be punished by imprisonment of one up to twelve years for the offence under paragraph 1, while for the offence under paragraph 2 he shall be punished by imprisonment of one up to eight years.

(5) Whoever taints animal fodder or other feed intended for the nutrition of animals with any noxious agent, thereby causing danger to the life or health of animals, shall be punished by a fine or by imprisonment of up to one year.

(6) If the offence under the preceding paragraph has as a consequence the death of animals of substantial value or of a substantial number of animals, the perpetrator shall be punished by imprisonment of up to three years.

#### Unlawful Occupation of Real Property Article 338

(1) Whoever occupies another's land, which is declared in regulations as protected land or area, natural value or a public asset, shall be punished by a fine or by imprisonment of up to one year.

(2) Whoever occupies another's land with the intention of using it for construction, shall be punished the same.

#### Destruction of Plantations by a Noxious Agent Article 339

Whoever causes the destruction of another's plants, fruit trees or other plantations by means of a noxious agent, thereby causing substantial damage to such plantations, shall be punished by a fine or by imprisonment of up to two years.

#### Destroying of Forests Article 340

(1) Whoever knowingly and contrary to regulations or orders issued by competent bodies, reduces to a substantial degree or clear fells a forest or otherwise depletes a forest, and where no elements of other criminal offence are constituted, shall be punished by imprisonment of up to one year.

(2) Whoever commits the offence under the preceding paragraph in a specially protected forest or in a forest of a specific purpose, shall be punished by imprisonment of up to three years.

#### Torture of Animals Article 341

(1) Whoever treats an animal cruelly or causes it unnecessary suffering, shall be punished by a fine or by imprisonment of up to six months.

(2) If the offence under the preceding paragraph involves the torture of a number of animals, or a permanent grievous mutilation or the cruel death of a tortured animal, the perpetrator shall be punished by imprisonment of up to one year.

#### Game Poaching Article 342

(1) Whoever, without permission or otherwise unauthorised, hunts and kills or wounds a wild animal or traps it alive, shall be punished by a fine or by imprisonment of up to six months.

(2) If the offence under the preceding paragraph is committed against game of substantial value or of importance according to hunting regulations, during the closed season or in a group, the perpetrator shall be punished by a fine or by imprisonment of up to one year.

(3) Whoever hunts endangered or rarefied species of game, the hunting of which is prohibited, or whoever hunts specific game without having a special license to hunt them, or whoever hunts in a manner or by means by which game is killed en masse, or whoever hunts by use of a motor vehicle or a spotlight, shall be punished by a fine or by imprisonment of up to two years.

#### Fish Poaching Article 343

Whoever fishes using an explosive, electricity, poison, or narcotic agent, thereby causing the death of fish, or fishes in a manner that is harmful to their reproduction, shall be punished by a fine or by imprisonment of up to one year.

#### Unlawful Handling of Protected Animals and Plants Article 344

(1) Whoever illegally possesses, seizes, damages, kills, exports, imports or trades in protected wild animal or plant species, protected animals or plants or their parts, or products made therefrom, shall be punished by imprisonment of up to five years.

(2) If the object referred to in the preceding is of major or exceptional nature protection significance, or if the act referred to in the preceding paragraph was committed within a criminal association for the commission of such criminal offences, the perpetrator shall be punished by imprisonment of not less than six months and not more than ten years.

#### Transmission of Contagious Diseases in Animals or Plants Article 345

(1) Whoever, during an epizootic of a contagious disease among animals capable of endangering breeding throughout the entire territory of the country, fails to comply with regulations specifying the measures to be taken in order to suppress or prevent diseases, shall be punished by a fine or by imprisonment of up to one year.

(2) Whoever, during the duration of threat relating to a disease or pest capable of endangering the fauna throughout the entire territory of the country, fails to comply with regulations specifying the measures to be taken in order to suppress or prevent diseases or the pest, shall be punished the same.

(3) If the offence under paragraphs 1 or 2 of this Article has as a consequence the spreading of a contagious disease or pest on a substantial scale, the perpetrator shall be punished by imprisonment of up to two years.

(4) If the offence under paragraphs 1, 2 or 3 of this Article has been committed through negligence, the perpetrator shall be punished by a fine or by imprisonment of up to six months.

#### Production of Injurious Medicines for the Treatment of Animals Article 346

(1) Whoever prepares or distributes for sale substances which are designated as medicines for the treatment or suppression of contagious diseases in animals and which are dangerous to their life and health, and if the death of animals of substantial value or of a substantial number of animals, or the spread of a contagious disease is incurred as a result, shall be punished by a fine or by imprisonment of up to one year.

(2) Substances under the preceding paragraph shall be confiscated.

#### Unconscientious Veterinary Aid Article 347

A veterinary or any other veterinary worker who, in the performance of veterinary activity and through negligence, acts in a way that is obviously contrary to the rules of veterinary science and of the profession, thereby causing the death of animals of substantial value, shall be punished by a fine or by imprisonment of up to one year.

### Chapter Thirty-Three

#### CRIMINAL OFFENCES AGAINST THE SOVEREIGNTY OF THE REPUBLIC OF SLOVENIA AND ITS DEMOCRATIC CONSTITUTIONAL ORDER

#### Treason Article 348

Whoever, by force or by threat of force, threatens the existence of the Republic of Slovenia or attempts to alter its constitutional order or to overthrow its principal state bodies shall be sentenced to imprisonment for not less than one and not more than ten years.

#### Attack on Territorial Integrity

#### Article 349

Whoever attempts to detach any part of the territory of the Republic of Slovenia or to attach the same to a foreign country by using or threatening force shall be sentenced to imprisonment for not less than one and not more than ten years.

#### Attack on the State's Independence Article 350

A citizen of the Republic of Slovenia who attempts to bring the Republic of Slovenia into a position of subordination to or dependence on a foreign country shall be sentenced to imprisonment for not less than one and not more than ten years.

#### Encroachment upon Territorial Inviolability Article 351

Whoever enters the territory of the Republic of Slovenia in order to encroach upon its territorial inviolability shall be sentenced to imprisonment for not less than one and not more than ten years.

#### Assassination of the President of the State Article 352

Whoever, with the intention of jeopardising the constitutional order or security of the Republic of Slovenia, murders the President of the Republic of Slovenia or the person acting in his place, shall be sentenced to imprisonment for not less than fifteen years.

#### Violence Against the Highest Representatives of the State Article 353

Whoever, with the intention of jeopardising the implementation of tasks in the democratic order or security of the Republic of Slovenia, kidnaps any of the highest representatives of the state, member of the National Assembly, member of the Government, judge of the Constitutional Court, or judge of the Supreme Court, or commits any other act of violence against him or a member of his family or retinue, or violates his official or residential premises or means of transport, shall be punished to imprisonment for not less than fifteen years.

#### Violence Against the Representatives of Foreign Countries or International Organisations Article 354



Whoever, with the intention of jeopardising the constitutional order or security of the Republic of Slovenia, or causing damage to a foreign country, kidnaps the president of the foreign country or international organization or commits other act of violence against him or a member of his family or retinue, or violates his official or residential premises or means of transport, shall be punished to imprisonment for not less than three and not more than fifteen years.

#### Armed Rebellion Article 355

(1) (1) Whoever organises or leads an armed rebellion with the intention of threatening the existence of the Republic of Slovenia, altering its constitutional order, or overthrowing its principal state bodies, shall be sentenced to imprisonment for not less than fifteen years.

(2) Whoever participates in the armed rebellion under the preceding paragraph shall be sentenced to imprisonment for not more than five years.

#### Diversion Article 356

Whoever, with the intention of jeopardising the constitutional order or security of the Republic of Slovenia, destroys, burns or otherwise demolishes any commercial building, means of communication or traffic installation, the communication network or any part thereof, public installations for the conveyance of water or energy, or any other object relevant to the security or supply of the people or economy, shall be punished to imprisonment for not less than fifteen years.

#### Sabotage Article 357

Whoever, in the performance of his working duties, causes substantial damage to the state body or organisation where he is employed or to any other state body or organisation in a malicious, perfidious or similar manner, with the intention of jeopardising the constitutional order or security of the Republic of Slovenia, shall be sentenced to imprisonment for not less than one and not more than ten years.

(2) If the offence under the preceding paragraph is committed at a nuclear facility, the perpetrator shall be punished by an imprisonment for not less than one and not more than twelve years.

#### Espionage

#### Article 358

(1) Whoever serves as an agent for a foreign country or organisation by collecting military, economic or official information or confidential documents, or by informing them of, or providing them with access to such information or documents, shall be sentenced to imprisonment for not less than one and not more than eight years.

(2) Whoever, to the detriment of the Republic of Slovenia, establishes or directs an intelligence service for a foreign country or organisation, shall be sentenced to imprisonment for not less than three and not more than fifteen years.

(3) Whoever joins a foreign intelligence service under the preceding paragraph or supports its operations, shall be sentenced to imprisonment for not less than six months and not more than five years.

#### Incitement to Violent Change of the Constitutional Order Article 359

(1) Whoever, with the intention of threatening the existence, constitutional order or security of the Republic of Slovenia, incites or instigates the immediate execution of criminal offences under Articles 348 to 357 of this Penal Code, shall be sentenced to imprisonment for not more than five years.

(2) Whoever commits the offence under the preceding paragraph with financial or other support from abroad, shall be sentenced to imprisonment for not less than six months and not more than five years.

(3) Whoever manufactures or reproduces material serving to incite or instigate the execution of criminal offences under paragraph 1 of this Article with intention, that such material be disseminated by him or by a third person, or whoever keeps a larger quantity of such material with the same intention or disseminates such material, shall be sentenced to imprisonment for not more than three years.

#### Punishment for the Gravest Types of Criminal Offences Article 360

(1) For the offences under Articles 348 to 351 and 353 to 357 of this Penal Code which entailed the death of one or more persons, severe violence or great devastation, the perpetrator shall be sentenced to imprisonment for not less than ten and not more than fifteen years.

(2) If the perpetrator, in committing any of the criminal offences under the preceding paragraph, intentionally takes the lives of one or more persons, he shall be sentenced to imprisonment for not less than fifteen years.

## Chapter Thirty-Four

### CRIMINAL OFFENCES AGAINST THE DEFENCE OF THE STATE

#### Evasion of Defence Obligations Article 361

(1) Whoever, when war and a state of emergency is declared, goes into hiding, or who fails to obey a summons to meet defence obligation, shall be punished by a fine or by imprisonment of up to one year.

(2) Whoever, with the intention of evading defence obligation during the declared war and state of emergency, simulates an illness, uses a forged document or deceives a competent authority in any other way, thereby inducing it to declare him unfit for military service or duty, shall be sentenced to imprisonment for not more than three years.

(3) The same punishment shall be imposed on whoever commits the offence under the preceding paragraph by inflicting injury upon himself or otherwise incapacitating himself for military service or allowing another person to do so, with the intention of evading defence obligations.

#### Evasion of Defence Obligations by Deception Article 362

(1) Whoever, when war and a state of emergency is declared, with the intention of evading military service or any other defence obligation, simulates an illness, uses a forged document or deceives a competent authority in any other way, thereby inducing it to declare him unfit for military service or duty, shall be sentenced to imprisonment for not more than three years.

(2) The same punishment shall be imposed on whoever, with the intention either of evading services or obligations under the preceding paragraph or of being assigned to a less demanding service or duty, inflicts injury upon himself or otherwise incapacitates himself for military service or allows another person to do so.

(3) Whoever, with the intention of making another person incapable of participating in military service or military duties, inflicts bodily harm upon him, with or without his permission, or otherwise incapacitates him for military service, shall be sentenced to imprisonment for not less than six months and not more than five years.

#### Use of Force Against a Member of the Military on Duty Article 363

(1) Whoever, using force or threatening imminent use of force, prevents a member of the military from performing military duty, or in the same manner compels him to perform such duty, shall be sentenced to imprisonment for not more than two years.

(2) Any attempt to commit such an offence shall be punishable.

(3) If the perpetrator under paragraph 1 of this Article, in committing the offence, insults a member of the military, or treats him badly, or inflicts actual bodily harm upon him, or threatens him with the use of arms, he shall be sentenced to imprisonment for not more than three years.

(4) If the perpetrator of the offence under paragraphs 1 to 3 of this Article was provoked by unlawful or brutal conduct on the part of the member of the military, he shall be punished by a fine or sentenced to imprisonment for not more than six months or his punishment may be remitted.

#### Attack on a Member of the Military on Duty Article 364

(1) Whoever attacks or seriously threatens to attack a member of the military on duty, shall be sentenced to imprisonment for not more than two years.

(2) If the perpetrator under the preceding paragraph, in committing the offence, insults a member of the military, or treats him badly, or inflicts actual bodily harm upon him, he shall be sentenced to imprisonment for not more than three years.

(3) Whoever commits the offence under paragraph 1 against two or more members of the military shall be punished in accordance with the provision of the preceding paragraph of this Article.

#### Careless Handling of Means of Defence Article 365

Whoever handles weapons, ammunition, explosives, combat devices or other facilities intended for the defence of the country and entrusted to him in storage, for repair, maintenance or use contrary to the regulations, although he anticipates or should and could anticipate that such means of defence may be lost, destroyed or damaged, and if his conduct entails a substantial loss of property, shall be sentenced to imprisonment for not more than two years.

#### Undermining of Defence Measures Article 366

Whoever destroys defence devices, defence constructions, defence positions, weapons or other means of defence, or renders the same unserviceable, or otherwise hinders or omits the performance of measures for the defence of the country, shall be sentenced to imprisonment for not less than one and not more than ten years.

Preventing Combat of Enemy  
Article 367

A citizen of the Republic of Slovenia who, during war or armed combat, prevents citizens of the Republic of Slovenia or citizens of its allies from combating the enemy, shall be sentenced to imprisonment for not less than one and not more than ten years.

Service in the Army of the Enemy  
Article 368

A citizen of the Republic of Slovenia who, during war or armed combat, serves in the army of the enemy or his other armed formations, or who participates in war against the Republic of Slovenia or its allies, shall be sentenced to imprisonment for not more than ten years.

Recruiting for a Foreign Army  
Article 369

Whoever recruits citizens of the Republic of Slovenia or citizens of other countries or stateless persons for service in the army or other armed formations of the enemy or for participation in war or armed combat against the Republic of Slovenia or its allies, shall be sentenced to imprisonment for not less than one and not more than ten years.

Assisting the Enemy  
Article 370

(1) A citizen of the Republic of Slovenia who, during war, aids the enemy in deprivation of movable property, taking away of food or other goods, or implementing of any other measures against the general population, shall be sentenced to imprisonment for not more than five years.

(2) The same sentence shall be imposed on a citizen of the Republic of Slovenia who, during war, collaborates with the enemy in the field of politics or economy.

Chapter Thirty-Five

## CRIMINAL OFFENCES AGAINST INTERNATIONAL LAW

### Endangering Persons under International Protection Article 371

(1) Whoever endangers the safety of a person under international protection by seriously threatening to attack him, his official or residential premises or his means of transport, shall be punished by imprisonment of one to ten years.

(2) Whoever kidnaps a person under international protection or commits any other act of violence against him, or attacks his official or residential premises or his means of transport, shall be punished by imprisonment of at least one year.

(3) If the offence under paragraphs 1 or 2 of this Article entails the death of one or more persons, the perpetrator shall be punished by imprisonment of not less than five and not more than fifteen years.

(4) If the perpetrator, in the commission of a criminal offence under paragraphs 1 or 2 of this Article, deliberately takes the lives of one or more persons, he shall be punished by imprisonment of at least fifteen years.

### Infringement of Parliamentary Rights Article 372

Whoever, in time of war or armed conflict and in violation of international law, insults a parliamentarian or his retinue, maltreats or detains him, prevent his return or otherwise infringes upon his inviolability, shall be punished by imprisonment of six months up to five years.

### Taking of Hostages Article 373

(1) Whoever kidnaps a person and threatens to kill or harm him, or take him hostage with the intention of forcing a state or an international organisation to perform or omit to perform a certain act which constitutes an expressed or implied condition for the release of the hostage, shall be punished by imprisonment of not less than one and not more than fifteen years.

(2) If the offence under the preceding paragraph entails the death of one or more persons, the perpetrator shall be punished by imprisonment of not less than five and not more than fifteen years.

(3) If the perpetrator, in the committing of the criminal offence under paragraph 1 of this Article, deliberately takes the lives of one or more persons, he shall be punished by imprisonment of at least fifteen years.

Piracy  
Article 374

(1) Whoever, by force or serious threat of force, or violation of the rules of international law, takes over command of an aircraft or of a sea vessel shall be sentenced to imprisonment for not less one and not more than ten years.

(2) The same sentence shall be imposed on the member of the crew of an aircraft or of a sea vessel who undertakes a mutiny and takes over the command of the aircraft or sea vessel.

(3) If the offence under paragraphs 1 or 2 of this Article entails the death of one or more persons or a substantial loss of property, the perpetrator shall be punished by imprisonment of not less than five and not more than fifteen years.

Chapter Thirty-Six

TRANSITIONAL AND FINAL PROVISIONS

Article 375

Pending coming into force of the criminal law act for juvenile perpetrators, the provisions of Articles 70 to 94, the provisions which refer to juvenile detention referred to in paragraph 5 of Article 47, in paragraphs 1, 2 and 4 of Article 49, and the provision referred to in paragraph 3 of Article 100 of the Penal Code (Official gazette of the Republic of Slovenia, No. 63/94, 70/94 – amendment, 23/99, 40/04, 95/04, hereinafter referred to as: of the Penal Code) shall apply.

Article 376

Pending coming into force of the law which will regulate the measures of compulsory psychiatric treatment for persons deemed not to be responsible for their action, and those with substantially diminished mental competence, the provisions referring to safety measures under Articles 64 and 65, and the provisions of paragraphs 2 and 4 of Article 63 of the Penal Code shall apply.

Article 377

The provision of Article 392 of the Penal Code shall apply only to the criminal offences under Articles 130 and 132 of the Penal Code of the Republic of Slovenia (Official Gazette of the Socialist Republic of Slovenia, No. 12/77, 3/78, 19/84, 47/88, 33/89 and 5/90), which apply if the criminal offence is committed in association with the management of social resources or to the detriment of social property or capital.

#### Article 378

Pending determining the conditions for the omission of criminal prosecution in the act governing criminal proceedings, the courts and state prosecutors shall decide that criminal prosecution against a perpetrator with *mutatis mutandis* application of the reasons for the act of minor significance referred to in Article 14 of the Penal Code is to be excluded if the minor significance of the criminal offence would be disproportionate to the consequences involved by the criminal prosecution.

#### Article 379

If an accessory sentence of banishment of a foreign citizen from the country has been imposed under Article 40 of the Penal Code prior to coming into force of this Penal Code, such punishment against the perpetrator shall be implemented also after coming into force of this Penal Code.

#### Article 380

On the day this Penal Code enters into force the Penal Code (Official Gazette of the Republic of Slovenia, No. 63/94, 70/94 - amendment, 23/99, 40/04 and 95/04) shall cease to apply.

#### Article 381

This Act shall enter into force on 1 November 2008.