

**Law No. 13.260, 16 March, 2016**

Regulates the provisions of item XLIII of Article 5 of the Federal Constitution, defining terrorism, dealing with investigative and procedural provisions and reformulating the concept of a terrorist organization; and amends Act N. 7960, of December 21, 1989, and Act N. 12850 of August 2, 2013.

**THE NATIONAL CONGRESS** decrees:

**Article 1.** This Act regulates the provisions of subsection XLIII of article 5 of the Federal Constitution, defining terrorism, dealing with investigative and procedural provisions and reformulating the concept of a terrorist organization.

**Article 2.** Terrorism is the practice by one or more individuals of the acts mentioned in this article for reasons of xenophobia, discrimination or prejudice based on race, color, ethnicity and religion, when committed for the purpose of causing social or generalized terror, exposing individuals, properties, public peace or public safety to danger.

Paragraph 1 There are acts of terrorism:

I - using or threatening to use, transporting, keeping, possessing, carrying or bringing explosives, toxic gases, poisons, biological, chemicals or nuclear products or other means capable of causing damage or promoting mass destruction;

II - (REVOKED);

III - (REVOKED);

IV - sabotaging the operation or taking total or partial control, with violence, serious threat to an individual or by making use of cyber mechanisms, albeit on a temporary basis, of the means of communication or transportation, of ports, airports, railway or bus stations, hospitals, nursing homes, schools, sports stadiums, public facilities or locations where essential public services are installed, power generation or transmission facilities, military facilities, exploration, refining and processing of oil and gas facilities and bank institutions and their service network.

V - attempting on a person's life or physical integrity:

Penalty - imprisonment, from twelve to thirty years in addition to the penalties corresponding for threats or violence.

Paragraph 2 The provisions of this article shall not apply to individual or collective conduct of people in political demonstrations, social movements, trade unions, religious, class or professional category movements, driven by social or claim purposes, aiming to challenge, criticize, protest or support, in order to defend rights, freedoms and constitutional guarantees, without prejudice to the criminal classification contained in law.

**Article 3.** To promote, constitute, integrate or provide assistance, personally or through an intermediary, to a terrorist organization.

Penalty - imprisonment, from five to eight years, and a fine.

Paragraph 1 (REVOKED).

Paragraph 2 (REVOKED).

**Article 4.** (REVOKED).

Penalty - imprisonment, from four to eight years, and a fine.

Paragraph 1 The same penalties apply to those who incite the practice of a fact typified as a crime in this Act.

Paragraph 2 The penalty is increased by one sixth to two-thirds if the crime is committed by the World Wide Web or by any means of social communication.

**Article 5.** Carry out preparatory acts of terrorist with the unequivocal intention to consummate the offense:

Penalty - corresponding to the consummated offense, reduced by one quarter to half.

Paragraph 1 The same penalties apply to the agent who, with the purpose of practicing acts of terrorism:

I - to recruit, organize, carry or equip individuals traveling to a country other than that of their residence or nationality; or

II - provide or receive training in a country other than that of his residence or nationality.

Paragraph 2 In the cases of paragraph 1, when the conduct does not involve training or trip to a country other than that of his residence or nationality, the penalty will be the corresponding to the consummated crime, reduced by half to two-thirds.

**Article 6.** To receive, provide, offer, get, store, keep on deposit, request, invest in any way, directly or indirectly, funds, assets, property, rights, valuables and services of any kind, for planning, preparation or execution of crimes provided by this Act:

Penalty - imprisonment, from fifteen to thirty years.

Sole paragraph. The same penalty applies to whoever offers or receives, obtains, stores, keeps on deposit, requests, invests or otherwise contributes to the acquisition of assets or financial resources, in order to fund, in whole or in part, a person, a group of people, an association, an entity, a criminal organization which has as principal or secondary activity, even occasionally, the commission of the crimes provided by this Act.

**Article 7.** Unless it is elementary of the practice of any crime under this Act, if any of them results in aggravated battery, the penalty is increased by one third. If death results, the penalty is increased by half.

**Article 8.** (REVOKED).

**Article 9.** (REVOKED).

**Article 10.** Even before the start of the execution of the crime of terrorism, under the event of article 5 of this Act, the provisions of Article 15 of Decree-Law N. 2,848, of December 7, 1940 - Penal Code applies.

**Article 11.** For all legal purposes, it is considered that the offenses provided for in this Act are committed against the interests of the Union, allowing the Federal Police to conduct the criminal investigation, within police inquiry, and the Federal Court responsible for its processing and judgment, pursuant to item IV of article 109 of the Constitution.

Sole paragraph. (REVOKED).

**Article 12.** The judge, ex officio, at the request of the Prosecutor's Office or on behalf of the police chief, having heard the Prosecutor's Office within twenty-four

hours, with sufficient evidence of the crimes under this Act, may prescribe, in the course of the investigation or prosecution, provisional measures on assets, rights or values belonging to the investigated or accused, or existing on behalf of interposed persons, that are instrument, product or profits of the crimes defined in this Act.

Paragraph 1 To preserve the value of the goods whenever they are subject to any degree of deterioration or depreciation, or when it is difficult to repair them, early sale shall be done.

Paragraph 2 The judge shall order the total or partial release of the assets, rights and values when proven the legality of its origin and destination, keeping the constriction of the assets, rights and values necessary and sufficient to repair the damage and to the payment of cash benefits, fines and costs arising from the criminal offense.

Paragraph 3 No application for release will be accepted without the personal attendance of the accused or of the interposed person referred to in the head of this article, and the judge may determine the performance of acts necessary for the preservation of assets, rights or values, without prejudice to the provisions of paragraph 1.

Paragraph 4 May be enacted provisional measures on goods, rights or values for compensation for damage resulting from the previous criminal offense or from offenses defined in this Act or for payment of cash benefits, fines and costs.

**Article 13.** When circumstances advise, after hearing the Prosecutor's Office, the judge shall nominate a qualified person or entity for the administration of assets, rights or values subject to provisional measures upon term of commitment.

**Article 14.** The person responsible for the administration of the assets:

I - shall be entitled to a fee, set by the judge, which will be preferably satisfied with the product of the assets object of administration;

II - shall provide, by court order, periodic information on the situation of assets under his management as well as explanations and details on investments and reinvestments.

Sole paragraph. The acts related to the administration of goods shall be notified to the Prosecutor's Office, which shall require what it deems appropriate.

**Article 15.** The judge shall determine, in the event that there is an international treaty or convention, and at the request of the competent foreign authority, provisional measures on goods, rights or values originating from crimes described in this Act practiced abroad.

Paragraph 1 The provisions of this Article should be applied, regardless of international treaty or convention, when there is reciprocity from country of the requesting authority.

Paragraph 2 In the absence of a treaty or convention, assets, rights or values subject to provisional measures at the request of a competent foreign authority or the proceeds from its disposal shall be shared by the requesting State and Brazil at the ratio of half, subject to the right of the injured person or a third party in good faith.

**Article 16.** For investigation, prosecution and trial of crimes provided by this Act, should apply the

provisions of Act N. 12850, of August 2, 2013.

**Article 17.** The provisions of Act N. 8,072, of July 25, 1990, are applied to the offenses provided by this Act.

**Article 18.** The subsection III of Article 1 of Act N. 7960, of December 21, 1989, shall henceforth include the following letter "p":

    "Article 1.....  
.....  
    III - .....  
.....  
    ...

    p) crimes provided for in Terrorism Act.

**Article 19.** Article 1 of Act N. 12850, from August 2, 2013, becomes effective with the following amendment.

    "Article 1.....  
.....  
    Paragraph 2 .....  
.....  
    II - to the terrorist organizations, understood as those aimed at the practice of legally defined acts of terrorism."

**Article 20.** This Act shall come into force on the date of its publication.

Brasilia, March 16, 2016, the 195<sup>th</sup> year of Independence and the 128<sup>th</sup> year of the Republic.

**DILMA ROUSSEFF**

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