

## **300/2005 Coll.**

### **ACT**

of 20 May 2005

#### **PENAL CODE**

(as amended under Act No. [650/2005 Coll.](#))

Amendment: [692/2006 Coll.](#)  
Amendment: [218/2007 Coll.](#)  
Amendment: [491/2008 Coll.](#)  
Amendment: [497/2008 Coll.](#)  
Amendment: [498/2008 Coll.](#)  
Amendment: [59/2009 Coll.](#)  
Amendment: [257/2009 Coll.](#)  
Amendment: [317/2009 Coll.](#)  
Amendment: [492/2009 Coll.](#)  
Amendment: [576/2009 Coll.](#)  
Amendment: [224/2010 Coll.](#)  
Amendment: [547/2010 Coll.](#)  
Amendment: [33/2011 Coll.](#)  
Amendment: [262/2011 Coll.](#)  
Amendment: [313/2011 Coll.](#)  
Amendment: [246/2012 Coll.](#)  
Amendment: [428/2012 Coll.](#)  
Amendment: [334/2012 Coll.](#)  
Amendment: [189/2013 Coll.](#)  
Amendment: [204/2013 Coll.](#)  
Amendment: [1/2014 Coll.](#)  
Amendment: [260/2014 Coll.](#)  
Amendment: [73/2015 Coll.](#)  
Amendment: [174/2015 Coll.](#)  
Amendment: [78/2015 Coll.](#), [87/2015 Coll.](#), [397/2015 Coll.](#), [398/2015 Coll.](#), [440/2015 Coll.](#), [444/2015 Coll.](#)  
Amendment: [91/2016 Coll.](#), [125/2016 Coll.](#)  
Amendment: [316/2016 Coll.](#)  
Amendment: [264/2017 Coll.](#)  
Amendment: [274/2017 Coll.](#)  
Amendment: [161/2018 Coll.](#)  
Amendment: [321/2018 Coll.](#)  
Amendment: [38/2019 Coll.](#)  
Amendment: [35/2019 Coll.](#)  
Amendment: [214/2019 Coll.](#)  
Amendment: [420/2019 Coll.](#), [474/2019 Coll.](#)

National Council of the Slovak Republic passed a resolution on this Act:

### **PART ONE**

#### **GENERAL PART**

Section 1

##### **Purpose of the Act**

This Act regulates the fundamentals of criminal liability, types of punishment, types of protective measures, their imposition and merits of the criminal offences.

#### **CHAPTER ONE**

##### **SCOPE OF THE ACT AND THE FUNDAMENTALS OF CRIMINAL LIABILITY**

###### **Division I**

###### **Penal Code and its Competency**

Section 2

### **Time Competency**

(1) The criminal liability of an act is assessed and the punishment is imposed under the Act effective at the time of its commission. If several laws come into effect during the period of the commission of an act and the delivery of the judgment, the criminal liability of an act is assessed and the punishment is imposed under the Act that is more favourable to the offender.

(2) An offender may have a punishment imposed that is permitted by the Act effective at the time when deciding on the criminal offence, if such is more favourable to the offender.

(3) Unless this Act stipulates otherwise, a protective measure shall be imposed under the Act effective at the time of taking the decision on the protective measure concerned.

### **Section 3**

#### **Local Competency**

(1) The criminal liability of an act committed on the territory of the Slovak Republic shall be assessed pursuant to this Act.

(2) A criminal offence shall be deemed committed on the territory of the Slovak Republic if an offender

a) committed an act on its territory, either in part or entirely, if the violation or endangering of an interest protected by this Act occurred or was supposed to occur, either in whole or in part, outside of its territory, or

b) committed an act outside the territory of the Slovak Republic, if the violation or endangering of an interest protected by this Act was intended to take place, or such a consequence was supposed to occur, either in whole or in part, on its territory.

(3) The criminal liability of an act committed outside the territory of the Slovak Republic, aboard a vessel sailing under the State flag of the Slovak Republic or aboard an aircraft registered in the Aircraft Registry of the Slovak Republic, shall also be assessed pursuant to this Act.

#### **Personal Competency**

### **Section 4**

The criminal liability of an act committed outside the territory of the Slovak Republic by a Slovak national or a foreign national who has been granted permanent residence in the Slovak Republic shall also be assessed under this Act.

### **Section 5**

The criminal liability of a particularly serious crime, if the act was committed outside the territory of the Slovak Republic against a Slovak national and the act is punishable in the place of its commission or if the place of the commission of an act is not liable to any criminal competency, shall also be assessed pursuant to this Act.

### **Section 5a**

The criminal liability of the illegal production of narcotic and psychotropic substances, poisons or precursors, their possession and trafficking (Section 171 and 172), counterfeiting, alteration and unlawful production of money and securities (Section 270), introduction of counterfeit, altered and illegally produced money and securities (Section 271), production and possession of counterfeiting equipment (Section 272), counterfeiting, alteration and illegal production of duty stamps, postage stamps, stickers and stamps (Section 274), counterfeiting and alteration of control technical measures for the identification of goods (Section 275), establishment, plotting and supporting of terrorist groups or its members (Section 297), illegal production and possession of nuclear materials, radioactive substances, hazardous chemicals and hazardous biological agents and toxins (Section 298 and 299), plotting against the Slovak Republic (Section 312), terror (Section 313 and 314), wrecking activities (Section 315 and 316), sabotage (Section 317), espionage (Section 318), attacks on a public authority (Section 321), attack on public officials (Section 323), counterfeiting and alteration of a public document, official seal, official lock, official symbol and official mark (Section 352), endangering confidential and classified information (Section 353), trafficking (Section 355), threats to peace (Section 417), genocide (Section 418), terrorist attack (Section 419), certain forms of participation in terrorism (Section 419b), terrorist financing (Section 419c) and travel for the purpose of terrorism (Section 419d), attacks against humanity (Section 425), use of prohibited means of combat and clandestine warfare (Section 426), looting in the area of military operations (Section 427), abuse of internationally recognised identifications and state symbols (Section 428), war atrocities (Section 431), persecution of the population (Section 432), and war injustice (Section 433) shall also be assessed pursuant to this Act even when such a criminal offence was committed outside the territory of the Slovak Republic by a foreign national to whom permanent residence in the territory of the Slovak Republic was not granted.

### **Section 6**

(1) The criminal liability of an act committed outside the territory of the Slovak Republic by a foreign national who was not granted permanent residence in the territory of the Slovak Republic shall also be assessed pursuant to this Act, even if

a) the act is punishable under the law effective in the territory where it was committed,

b) the offender was apprehended or arrested in the territory of the Slovak Republic, and

c) was not extradited to another State for criminal prosecution.

(2) However, the offender referred to in Subsection 1 may not be imposed a more severe punishment than that stipulated by the law of the State on the territory where the criminal offence was committed.

#### Section 7

### **Competency under International Treaties**

(1) The criminal liability of an act is assessed under this Act even if an international treaty, that was ratified and declared in a manner set by law and by which the Slovak Republic is bound, stipulates it.

(2) The provisions of Section 3 through 6 shall not apply if such is not admissible by an international treaty that was ratified and declared in a manner set by law, by which the Slovak Republic is bound.

#### Section 7a

### **Competency for the Imposition of Protective Measures**

(1) A protective measure may be imposed under this Act if the criminal liability of an act is being assessed under it, in connection to the commission of which the protective measure is to be imposed.

(2) The provisions of Subsection 1 shall apply even when the offender of an act that is otherwise punishable is not criminally liable or if it is a person who cannot be criminally prosecuted or convicted.

#### Section 7b

### **Enforcement and Taking Account of the Judgment of Another State**

(1) A judgment in a criminal matter of a court of another State may be enforced in the territory of the Slovak Republic or may have different legal effects only if provided for in an international treaty or law.

(2) A final conviction in criminal proceedings by a court of another Member State of the European Union shall be taken into account, for the purposes of criminal proceedings, equally as if it had been issued by a court of the Slovak Republic, provided it was issued for an act that is also punishable under the law of the Slovak Republic.

## **Division II**

### **Fundamentals of Criminal Liability**

#### **SUBDIVISION ONE**

#### **CONCEPT AND TYPES OF CRIMINAL OFFENCE**

#### Section 8

### **Criminal Offence**

A criminal offence is an unlawful act, the characteristics of which are set out in this Act, unless this Act stipulates otherwise.

#### Section 9

### **Types of Criminal Offences**

A criminal offence is an offence and a crime.

#### Section 10

### **Offence**

(1) An offence is

a) a criminal offence committed out of negligence, or

b) an intentional criminal offence for which this Act, in a separate part, sets out a prison sentence with an upper penalty limit not exceeding five years.

(2) It is not an offence if the seriousness is negligible given the method of commission of the act, its consequences, and the circumstances under which such act was committed, the extent of the fault, and the intention of the offender.

#### Section 11

### **Crime**

(1) A crime is an intentional criminal offence for which this Act, in a separate part, sets out a prison sentence with an upper penalty limit exceeding five years.

(2) It is a crime even if an upper penalty limit exceeding five years is determined for the more severe merits of an intentionally committed offence.

(3) Particularly serious crimes are those intentional criminal offences for which this Act sets out a prison sentence with a lower penalty limit of at least ten years.

#### Section 12

##### **Place of Commission of a Criminal Offence**

The place of commission of a criminal offence is any place in which

- a) an offender acted, or
- b) a consequence occurred or should have occurred according to the intention of the offender assumed by this Act.

#### Section 13

##### **Premeditation of a Crime**

(1) Premeditation of a crime is conduct that is based on the intentional organisation of a crime, the procurement or adjustment of resources or equipment for its commission, on parting, grouping, instigating, aiding or abetting in such crime, or other intentional creation of conditions for its commission if an attempt or completion of the crime has not occurred.

(2) Premeditation of a crime is punishable under the same criminal penalty set out for the crime for which it was intended.

(3) The criminal liability of the premeditation to commit a crime shall expire if an offender voluntarily

- a) stopped further conduct towards the commission of a crime and eliminated the risk to an interest protected by this Act incurred from the performed premeditation, or
- b) reported the premeditation to commit a crime to a law enforcement authority or the Police Force at such time when the risk to an interest protected by this Act which occurred due to the attempted premeditation could still be removed; members of the armed forces may report it to their superiors or the service authority. The person serving a prison sentence or in custody may also report it to a member of the Corps of Prison and Court Guard.

(4) The provisions of Subsection 3 shall have no effect on the criminal liability of an offender for another criminal offence that they have already committed by their conduct.

#### Section 14

##### **Attempted Criminal Offence**

(1) Any conduct that leads directly to the completion of a criminal offence and which the offender committed with the intention of the commission of a criminal offence, if the completion of the criminal offence did not occur, is defined as an attempted criminal offence.

(2) An attempted criminal offence is punishable under the criminal penalty set for a completed criminal offence.

(3) The criminal liability of the attempted criminal offence shall expire if an offender voluntarily

- a) stopped further conduct necessary for the completion of the criminal offence and eliminated the risk to an interest protected by this Act incurred from the performed attempt, or
- b) reported the attempted criminal offence to a law enforcement authority or the Police Force at such a time when the risk to an interest protected by this Act which occurred due to the attempted commission could still be removed; members of the armed forces may report it to their superiors or the service authority. The person serving a prison sentence or in custody may also report it to a member of the Corps of Prison and Court Guard.

(4) The provisions of Subsection 3 shall have no effect on the criminal liability of an offender for another criminal offence that they have already committed by their conduct.

#### **Fault**

#### Section 15

A criminal offence is committed intentionally if the offender

- a) sought to violate or endanger, in a manner specified under this Act, any interest protected by this Act, or

b) was aware that their conduct may cause such violation or endangering, and if they committed it, they were consentient with it.

#### Section 16

A criminal offence is committed out of negligence, if an offender

a) was aware that they may violate or endanger, in a manner specified under this Act, an interest protected by this Act, but without adequate justification they believed that they would not commit such violation or endangering, or

b) was unaware that their conduct may cause such violation or endangering although, considering the circumstances and their personal situation, they could and should have been aware of it.

#### Section 17

For the criminal liability of an act committed by a natural person, an intentional fault is necessary, unless this Act expressly stipulates that the fault out of negligence is sufficient.

#### Section 18

An aggravating circumstance or a circumstance that qualifies the application of a more severe criminal penalty shall be taken into account if it is

a) a more severe consequence, including where the offender caused it due to negligence, except for cases when this Act requires an intentional fault, or

b) other fact and even in the case that the offender was unaware of such fact, given the circumstances and their personal situation they could and should have been aware of it, except for cases when this Act requires that the offender was aware of such fact.

### **SUBDIVISION TWO**

#### **OFFENDER, ACCOMPLICE AND ACCESSORY TO A CRIMINAL OFFENCE**

##### Section 19

###### **Offender**

(1) An offender of a criminal offence is someone who committed such criminal offence alone.

(2) An offender of a criminal offence may be a natural person and a legal entity under the conditions set out by a special regulation.

##### Section 20

###### **Accomplice**

If a criminal offence was committed by the joint conduct of two or more persons (accomplices), each is liable as if they had committed a criminal offence on their own.

##### Section 21

###### **Accessory**

(1) An accessory to a completed criminal offence or its attempt is a person who intentionally

a) plotted or directed the commission of a criminal offence (organiser),

b) instigated the commission of a criminal offence by another person (instigator),

c) requested another person to commit a criminal offence (client), or

d) provided another person with assistance to commit a criminal offence, in particular through the procurement of means, removal of barriers, providing advice, encouraging the resolve or vowing to assist after the completion of a criminal offence (accessory).

(2) The provisions on the criminal liability of an offender shall be applied to the criminal liability of an accessory, unless this Act stipulates otherwise.

### **SUBDIVISION THREE**

#### **CIRCUMSTANCES EXCLUDING CRIMINAL LIABILITY**

##### Section 22

## **Age**

(1) A person who, at the time of committing an act otherwise criminal, had not reached fourteen years of age shall not be criminally liable.

(2) A person who, at the time of committing an act, had not reached fifteen years of age shall not be criminally liable for the criminal offence of sexual abuse under Section 201.

## **Section 23**

### **Legal Irresponsibility**

A person who, due to a mental disorder, could not identify the illegal nature of an act otherwise criminal at the time of its commission or control their conduct, shall not be criminally liable for such act, unless this Act stipulates otherwise.

## **SUBDIVISION FOUR**

### **CONDITIONS EXCLUDING THE ILLEGALITY OF AN ACT**

## **Section 24**

### **Extreme Emergency**

(1) An act, which is otherwise criminal, whereby a person tries to avert a risk imminently threatening an interest protected by this Act, is not a criminal offence.

(2) Extreme emergency shall not apply if the risk threatening an interest protected by this Act could be otherwise averted under the given circumstances, or if the consequences caused are evidently more serious than the imminent risk. Similarly, an extreme emergency shall not apply if the person who was threatened by the imminent risk was obligated to endure it under a generally binding legal regulation.

## **Section 25**

### **Self Defence**

(1) An act, which is otherwise criminal, whereby a person tries to avert a risk imminently threatening or a continuous attack on an interest protected by this Act, is not a criminal offence.

(2) Self defence shall not apply if the defence was clearly disproportionate to the attack, in particular to its method, place and time, and the circumstances concerning the assailant or the defender.

(3) Those, who avert the attack in a manner referred to in Subsection 2, shall not be criminally liable if they acted under extreme stress caused by the attack, in particular due to confusion, fear or fright.

(4) If a person, due to the circumstances, mistakenly believes that an attack is imminent, then criminal liability is not excluded for an act committed out of negligence provided the error has a basis in negligence.

## **Section 26**

### **Authorised Use of Weapons**

(1) The use of a weapon in compliance with the law is not a criminal offence.

(2) The use of a weapon in compliance with the law also includes its use by any person in their dwelling against another person for the protection of life, health or assets if the person illegally entered the dwelling or illegally remained in the dwelling and it is not self defence. This does not apply if the death of another person was caused as the result of such action.

## **Section 27**

### **Admissible Risk**

(1) An act otherwise criminal is not a criminal offence if someone, in accordance with the current state of knowledge, performs a socially beneficial activity in the area of production and research and if the socially beneficial result which is expected from the performed act, may not be achieved without the risk of jeopardising an interest protected by this Act.

(2) Admissible risk shall not apply if the result to which such act leads is evidently disproportionate to the degree of risk or if the performance of the activity is clearly contrary to the generally binding legal regulation, public interest, principles of humanity, or it contravenes good morals.

## **Section 28**

### **Exercising Rights and Obligations**

(1) An act otherwise criminal is not a criminal offence if it is a performance of rights or obligations arising from

generally binding legal regulations, from a court decision or another public authority, from the fulfilment of work duties or other tasks or from an agreement which does not contravene or circumvent the generally binding legal regulations; the method of the performance of rights and obligations may not contravene the generally binding legal regulations.

(2) The provisions of Subsection 1 shall not apply if the criminal offence of genocide was committed under Section 418, criminal offence of involuntary disappearance under Section 420a or a criminal offence of attacks against humanity under Section 425 by the completion of a regulation, order, command or the warrant of an authority of an executive force or a superior.

(3) The provisions of Subsection 1 shall not apply if a criminal offence of war injustice under Section 433 was committed by the completion of a regulation, order, command or warrant of an authority of an executive force or a superior, unless the person who fulfilled such regulation, order, command or a warrant,

- a) had a legal obligation to fulfil such regulation, order, command or warrant,
- b) did not know that such a regulation, order, command or warrant is illegal and
- c) the content of such regulation, order, command or warrant did not point out the fact that it was illegal.

#### Section 29

##### **Consent of the Victim**

(1) An act otherwise criminal is not a criminal offence if it was performed with the consent of the victim and is not directed against their life or health.

(2) The consent of the victim shall not apply if the consent was not given in advance, was not serious or voluntary, or if another criminal offence was committed in connection with it.

(3) The provisions of Subsection 1 shall not apply if under the merit of criminal offence an act shall be criminal even when the consent of the victim was given under Subsection 1.

#### Section 30

##### **Fulfilment of the Role of Agent**

(1) An act otherwise criminal is not a criminal offence, where an agent appointed under a special regulation threatens or violates an interest protected by this Act during the investigation of a criminal offence and in identifying its offender only because they were forced to do so by a criminal group or a terrorist group in which they operate, or if they commit such an act out of reasonable fear for their own or a close person's life or health.

(2) The provisions of Subsection 1 shall not apply if an agent commits the criminal offence of premeditated murder under Section 144, murder under Section 145, rape under Section 199, sexual violence under Section 200, sexual abuse under Section 201, general threats under Section 284 Subsection 2 through 4, threat to the safety of an aircraft or a vessel under Section 291, hijacking of an aircraft to a foreign State under Section 293, treason under Section 311, plotting against the Slovak Republic under Section 312, terror under Section 313, Section 314, wrecking activities under Section 315, Section 316, sabotage under Section 317, espionage under Section 318, genocide under Section 418, terrorist attack under Section 419, certain forms of participation in terrorism under Section 419b, terrorist financing under Section 419c and travel for the purpose of terrorism (Section 419d) or attacks against humanity under Section 425, or if they cause grievous bodily harm or death by committing acts listed in Subsection 1.

(3) An act otherwise criminal listed in Section 332 through 334 and in Section 336 Subsection 2 committed for the purpose of uncovering a criminal offence or identifying the offender of a criminal offence under Section 326, Section 328 through 330, Section 336 Subsection 1, Section 336a or Section 336b in a manner set out in the Code of Criminal Procedure is not a criminal offence.

## CHAPTER TWO

### SANCTIONS

#### Division I

##### **Types of Sanctions**

#### Section 31

##### **Penalties and Protective Measures**

(1) Sanctions under this Act are penalties and protective measures that are a legal consequence of the commission of a criminal offence or an act otherwise criminal.

(2) A penalty is the loss of personal freedom, assets or other rights of the convicted person which may only be imposed on the offender by the court for a committed criminal offence under this Act.

(3) A protective measure is the loss of personal freedom or assets of the convicted person or another person which

may only be imposed by the court in the interest of protecting society from criminal offences or acts otherwise criminal under this Act.

#### Section 32

##### **Types of Punishment**

For the commission of criminal offences the court may impose on an offender, who is a natural person, only

- a) a prison sentence,
- b) punishment by house arrest,
- c) punishment of community service,
- d) a monetary penalty,
- e) forfeiture of assets,
- f) forfeiture of items,
- g) punishment by disqualification,
- h) punishment by prohibition of residence,
- i) punishment by prohibition of attendance at public events,
- j) punishment by the loss of honorary degrees and accolades,
- k) punishment by the loss of military and another rank,
- l) punishment by deportation.

#### Section 33

##### **Types of Protective Measures**

Protective measures are:

- a) protective treatment,
- b) protective education,
- c) protective supervision,
- d) detention,
- e) confiscation of items,
- f) repealed from 1 July 2016,
- g) repealed from 1 July 2016.

#### **Division II**

##### **Fundamental Principles Applying to the Imposition of Sanctions**

#### Section 34

##### **Principles for the Imposition of Punishments**

(1) A punishment serves the purpose of protecting society from offenders by preventing them from committing further criminal activity and by creating conditions for their education to lead an orderly life and, at the same time, to deter others from the commission of criminal offences; simultaneously, the punishment expresses moral condemnation of the offender by society.

(2) An offender may be imposed such type of punishment and only to such severity as is stipulated in this Act, while the separate part of this Act stipulates only the criminal penalties of a prison sentence.

(3) A punishment must affect an offender so that it minimises the impact on their family and persons close to them.

(4) In determining the type and severity of the penalty, the court shall mainly consider the method in which the act was committed, its consequence, fault, and motive, aggravating circumstances, mitigating circumstance, and the offender as a person, their circumstances and the rehabilitation potential.

(5) In determining the type of punishment and its severity, the court shall consider

- a) accomplices, the extent to which the conduct of each of them contributed to the commission of the criminal offence,
- b) organiser, client, instigator and abettor, the importance and nature of their involvement in the commission of the criminal offence,
- c) the premeditation to commit a criminal offence and for an attempted criminal offence, to what extent the offender's conduct came close to completing the criminal offence, as well as the circumstances and reasons for the non-completion of the criminal offence.

(6) Punishments referred to in Section 32 may be imposed separately or in conjunction with several other punishments at the same time. For criminal offences where the upper limit of the criminal penalty of the prison sentence, set out in a separate part of this Act, exceeds five years, the court must impose the prison sentence, unless this Act stipulates otherwise.

(7) Punishments that may not be imposed in conjunction with other punishments are

- a) a prison sentence and house arrest,
- b) a prison sentence and community service,
- c) a monetary penalty and forfeiture of assets,
- d) forfeiture of items and forfeiture of assets,
- e) prohibition of residence and deportation.

(8) Repealed from 1 August 2019

## Section 35

### **Principles of Imposition of Protective Measures**

(1) Protective measures may be imposed on an offender of a criminal offence either alongside a punishment or even during the waiver of the punishment of an offender, if the protective measure provides protection to society from an offender more effectively than a punishment.

(2) Protective measures may affect a person so that it would minimise the impact to their family and persons close to them.

(3) Protective measures may also be imposed on an offender of an act which is otherwise criminal or other persons, if it is necessary to ensure the protection of society from the commission of new criminal offences.

(4) Protective supervision may not be imposed in addition to protective education.

(5) When imposing protective measures, the court shall not follow the principle of proportionality with regard to the committed act, but by the need to protect society while taking into account the need for the treatment, education or completion of the reform of an offender or another person.

(6) The execution of the protective measure must be terminated by the completion of its purpose or by the expiry of the period for which it was imposed, or by reaching the age stipulated by law of the convicted or another person.

### **Mitigating Circumstances and Aggravating Circumstances**

## Section 36

A mitigating circumstance is when an offender

- a) committed a criminal offence in a state of justifiable strong emotional distress,
- b) committed a criminal offence as a result of lack of knowledge or experience,
- c) committed a criminal offence in connection with the negative consequences of their illness,
- d) committed a criminal offence at an age close to that of a juvenile or as a more mature person, if such fact had any effect on their mental capacity or will,
- e) committed a criminal offence under the pressure of dependency or subordination,
- f) committed a criminal offence under the effects of threat or duress,
- g) committed a criminal offence as a result of an emergency for which they were not responsible,
- h) committed a criminal offence under the influence of emergency personal circumstances or family circumstances for which they were not responsible,

- i) committed a criminal offence while averting an attack or another threat or acting under circumstances which, under the completion of further conditions, otherwise exclude the criminal liability of the act, but they acted without completely satisfying the conditions for self-defence, extreme emergency, exercising the rights and obligations or the consent of the victim, authorised use of weapon, admissible risk or the performance of the duties of an agent,
- j) led an orderly life before the commission of the criminal offence,
- k) contributed to the elimination of detrimental consequences of the criminal offence or voluntarily compensating damages,
- l) confessed to the commission of the criminal offence and sincerely regretted the criminal offence,
- m) reported the criminal offence to the competent authorities themselves,
- n) aided the competent authorities in clarifying the criminal activity, or
- o) contributed to uncovering or convicting an organised group, criminal group or terrorist group.

#### Section 37

An aggravating circumstance is when an offender

- a) committed a criminal offence out of especially condemnable reasons,
- b) committed a criminal offence as revenge against another person for the performance of an obligation arising out of law or another generally binding legal regulation against an offender, in particular against a pedagogic employee or professional employee,
- c) committed a criminal offence in order to obstruct or hinder the application of another person's fundamental rights and freedoms or to facilitate or conceal another criminal offence,
- d) committed a criminal offence during a natural disaster or another extraordinary event seriously threatening the life or health of people, other fundamental rights and freedoms, the constitutional system, assets, public order or good morals,
- e) exploited their employment, occupation, function or position to achieve an illegal or disproportionate advantage,
- f) committed a criminal offence in public,
- g) committed a criminal offence in a place which is subject to special protection under a generally binding legal regulation, especially in the house or apartment of another person,
- h) committed several criminal offences,
- i) exploited a person, who is not criminally responsible, for the commission of a criminal offence,
- j) enticed a juvenile into the commission of a criminal offence,
- k) committed a criminal offence as an organiser,
- l) committed a criminal offence in connection with a foreign power or a foreign agent,
- m) has been previously convicted for the criminal offence; the court may ignore the consideration of such fact based on the nature of the previous conviction,
- n) committed a criminal offence as a member of a group of persons when moving to or from the place of a public event, or
- o) committed a criminal offence on account of their membership in a sports club.

#### Section 38

(1) A circumstance that is a legal element of a criminal offence may not be considered as a mitigating circumstance, aggravating circumstance, circumstance that is subject to the imposition of a punishment below the lower limit of the criminal penalty set by law, or a circumstance that is subject to the application of a higher criminal penalty.

(2) In determining the type of punishment and its severity, the court must consider the balance and extent of the seriousness of the mitigating and aggravating circumstances.

(3) If the balance of the mitigating circumstances outweighs the aggravating circumstances, the upper limit of the legally set criminal penalty shall be decreased by one third.

(4) If the balance of the aggravating circumstances outweighs the mitigating circumstances, the lower limit of the legally set criminal penalty shall be increased by one third.

(5) During the repeated commission of a crime, the lower limit of the legally set criminal penalty shall be increased by a half; in such case, the provisions of Subsection 4 shall not apply.

(6) During the repeated commission of a particularly serious crime, the lower limit of the legally set criminal penalty

shall be increased by two thirds; in such case, the provisions of Subsection 4 and 5 shall not apply.

(7) The provisions of Subsection 4 through 6 shall not apply if an increased multiple or cumulative punishment is additionally imposed under Section 41 Subsection 2 or under Section 42, if the simultaneous application of such provisions was disproportionately severe for the offender.

(8) The decrease of the upper limit or increase of the lower limit of the criminal penalty under Subsection 3 through 6 shall be performed only within the legally set criminal penalty; the basis for the decrease or increase of the criminal penalty is the difference between the upper and lower limit of the criminal penalty set by law. The decrease of the upper limit or an increase of the lower limit of the criminal penalty set by law shall not be applied in cases for which the separate part of this Act stipulates a prison sentence to twenty-five years or a life prison sentence.

#### Section 39

##### **Special Reduction of Punishment**

(1) If, given the circumstances of the case or the conditions of the offender, the court believes that the application of the criminal penalty provided by this Act was disproportionately severe for the offender and a punishment of a shorter duration is sufficient to ensure the protection of society, the offender may even have a punishment imposed below the lower limit of the criminal penalty provided by this Act.

(2) The court may reduce the punishment below the lower limit of the criminal penalty provided by this Act even, if it convicts an offender

a) for the premeditation of a crime or an attempted criminal offence and given the nature and seriousness of the premeditation or attempt, the court believes that the application of the criminal penalty provided by this Act would be disproportionately severe for the offender and a punishment of a shorter duration is sufficient for the protection of society,

b) who significantly contributed to clarifying the criminal offence committed for the benefit of a criminal group or terrorist group, or assisted in preventing the commission of a criminal offence which was being attempted or premeditated by another person for the benefit of a criminal group or terrorist group by reporting their activities to the law enforcement authorities and provided them with information that they could not otherwise obtain, and thus helped them to prevent or mitigate the consequences of a criminal offence, to identify or to convict offenders, or to provide evidence of a criminal offence for the conviction of a criminal group or terrorist group,

c) who committed a criminal offence in a state of diminished responsibility and the court believes that, given the health of the offender, it would be possible to achieve the protection of society even by a punishment of a shorter duration, with the simultaneous imposition of protective treatment. At the same time, they are not bound by the restrictions set out in Subsection 3 and they shall also impose protective treatment,

d) in the proceeding on an agreement on the recognition of guilt and the acceptance of the punishment, or

e) who has particularly significantly contributed to clarifying the criminal offence of bribery under Chapter Eight of Division III of the separate part of this Act, the criminal offence of establishment, plotting and supporting a criminal group under Section 296, the criminal offence of establishment, plotting and supporting a terrorist group under Section 297 or a particularly serious crime committed by an organised group, criminal group or a terrorist group, or on the identification or conviction of an offender by providing evidence in a criminal proceeding on such an act, if given the nature and seriousness of the criminal offence committed by them the court believes that the purpose of the punishment may be achieved even by a punishment of a shorter duration; the decrease of the prison sentence below the lower limit of the criminal penalty shall not be applied against the organiser, instigator or the client of the criminal offence, on which they provided evidence in criminal proceedings.

(3) However, in the imposition of a punishment below the criminal penalty provided by law, the court may not impose

a) a prison sentence of less than twenty years, if the offender is convicted of the criminal offence of premeditated murder under Section 144 Subsection 3, genocide under Section 418 Subsection 3, terrorist attack under Section 419 Subsection 2, attacks against humanity under Section 425 Subsection 2 or war injustice under Section 433 Subsection 2,

b) a prison sentence of less than eight years, if the lower limit of the criminal penalty of the prison sentence is at least fifteen years in the separate part of this Act,

c) a prison sentence of less than five years, if the lower limit of the criminal penalty of the prison sentence is at least ten years in the separate part of this Act,

d) a prison sentence of less than two years, if the lower limit of the criminal penalty of the prison sentence is at least five years in the separate part of this Act,

e) a prison sentence of less than six months, if the lower limit of the criminal penalty of the prison sentence is less than five years in the separate part of this Act, and

f) punishment by disqualification, punishment of prohibition of residence, and deportation for a period of less than six months.

(4) In proceedings on an agreement on the recognition of guilt and the acceptance of the punishment, the court may impose a prison sentence reduced by one-third below the lower limit of the criminal penalty provided by law, and in the case of the criminal offences referred to in Subsection 3 Paragraph a) the prison sentence shall be at least twenty years.

#### Section 40

## Waiver of Punishment

(1) The punishment of the offender for an offence, if it did not cause death or grievous bodily harm, may be waived if

a) the offender confessed to committing the offence, regrets its commission and expresses an effective effort to reformation and, given the nature of an offence and the past life of the offender, it may be reasonably expected that the mere consideration of the matter before the court is sufficient for the reformation of the offender,

b) an offence was committed by a person coerced to do so in direct connection with the fact that a criminal offence of human trafficking under Section 179, a criminal offence of sexual abuse under Section 201 through 202 or a criminal offence of production of child pornography under Section 368 was committed against them,

c) the court accepts the guarantee for the reformation of the offender and it believes that given the educational impact of those who offered the guarantee, the nature of the committed offence and the person of the offender, the imposition of punishment is not necessary, or

d) they committed the offence in a state of diminished responsibility and the court believes that the protective treatment, which they simultaneously imposed upon them, shall ensure the protection of society and the reformation of the offender more effectively than the punishment; this does not apply if they caused the state of diminished responsibility under the influence of an addictive substance.

(2) If the punishment of the offender was waived under Subsection 1, the offender shall be deemed as if they had not been convicted.

## Section 41

### Cumulative and Joint Punishments

(1) Where the court convicts an offender of two or more criminal offences, it shall impose a cumulative punishment for the criminal offence under the present provision that draws the severest punishment. In addition to the punishment admissible under such statutory provisions, another type of punishment may be imposed as part of the cumulative punishment providing its imposition is justifiable by any of the concurrent criminal offences. Where the lower punishment limits of the criminal penalty of a prison sentence vary, the lower limit of the cumulative punishment shall be the most severe.

(2) If the court imposes a cumulative punishment by prison sentence for two or more intentional criminal offences, of which at least one is a crime committed by two or more acts, the upper limit of the criminal penalty of a prison sentence for the most severely punishable criminal offence shall be increased by one third; the court shall impose a punishment above one half of such determined criminal penalty of a prison sentence upon the offender.<sup>7)</sup> The upper limit of the increased criminal penalty must not exceed twenty-five years and in the case of juveniles, the criminal penalty referred to in Section 117 Subsection 1 or 3. In addition to a prison sentence, another type of punishment may be imposed within the cumulative punishment, if its imposition was justified by one of the judged criminal offences.

(3) If the court convicts the offender for another partial attack, which is part of a continued criminal offence for which a different partial attack was declared in a convicting judgment that has already entered into validity by the court of the first instance, then they shall revoke the earlier verdict of guilty on the continued criminal offence in the judgment and criminal offences committed with it concurrently, the whole statement of punishment, as well as other statements that have their basis in the given verdict of guilty. The court, being bound by the factual findings in the terminated judgment, shall again decide on the guilt for the continued criminal offence, including a new partial attack, or for criminal offences committed by them concurrently, as well as on the joint punishment for the continued criminal offence which may not be more lenient than the punishment imposed by the earlier judgment. The court might also decide on the follow-up statements that have their basis in the verdict of guilty. If the imposed punishment is for more criminal offences, the provisions of Subsection 1 and 2, Section 42 and 43 shall apply accordingly.

(4) The provision of Subsection 3 shall not apply if the preceding judgment was issued by a court of another Member State of the European Union.

## Section 42

### Multiple Punishments

(1) The court shall impose a multiple punishment subject to the principles for the imposition of the cumulative punishment, where it convicts an offender for a criminal offence that was committed before the court of the first instance declared a convicting judgment for their other criminal offence.

(2) Along with the imposition of the multiple punishment, the court shall revoke the statement of punishment imposed by the earlier judgment upon the offender as well as all the decisions substantively connected with such a statement if, due to the change that has occurred as a result of such revocation, such have lost their basis. A multiple punishment must not be more lenient than that imposed by any previous judgment. As part of the multiple punishment, the court shall impose the punishment by the loss of honorary degrees and accolades, punishment by the loss of military and another rank, or the forfeiture of assets, monetary penalty, forfeiture of items, punishment by disqualification or punishment by prohibition of attendance at public events, if such a punishment has already been imposed under any previous judgment and is not restricted by the provision of Section 34 Subsection 7.

(3) The provisions on multiple punishments shall not apply if the earlier conviction is of such nature that the offender is deemed to have not been convicted or if the earlier judgment was issued by a court of another Member State of the European

Union.

#### Section 43

##### **Additional Penalty**

If the court convicts an offender for a criminal offence which they committed before the punishment imposed by an earlier judgment was executed, and it imposes the same kind of punishment on them, such punishment may not exceed the maximum severity admissible by this Act for this kind of punishment, along with the part of the punishment imposed by an earlier judgment that has not yet been executed. If one of these punishments is a prison sentence, maximum severity means a period of twenty-five years or a life prison sentence.

#### Section 44

##### **Waiving the Multiple Punishment and Additional Penalty**

The court shall waive the imposition of a multiple punishment under Section 42 or the imposition of an additional penalty under Section 43, if it considered the punishment imposed by an earlier judgment adequate for the protection of society and the reformation of the offender.

#### Section 45

##### **Counting of Custody and Punishment**

(1) If the criminal prosecution against the offender was conducted while they were in custody and they become convicted during such proceedings, the period spent in custody shall be counted in the imposed punishment or in the cumulative or multiple punishments, if given the nature of the punishment such counting is possible. The same shall apply if the court waived the imposition of a multiple punishment or additional penalty.

(2) If the offender was detained in the course of the criminal prosecution and became convicted in such proceedings, the period of restriction of their personal freedom shall be counted in the imposed punishment if such counting is possible with regard to the kind of the imposed punishment.

(3) If the offender was punished by the court or another authority and a new conviction for the same act occurred, the punishment that was carried out shall be counted in the imposed punishment, if given the nature of the punishment such counting is possible. The court shall similarly proceed if they imposed cumulative or multiple punishments upon the offender.

(4) If the counting of the custody or a punishment under Subsection 1 through 3 is not possible, the court shall take such fact into account when determining the type of punishment or its severity.

(5) The court shall proceed in accordance with the same principles even if the offender was in custody abroad or they were punished by the authorities of a foreign State for the same act.

### **Division III**

#### **Imposing and Serving Individual Punishments**

##### Section 46

##### **Prison Sentence**

A prison sentence may be imposed as a punishment for a specified period of up to twenty-five years or a life prison sentence.

##### Section 47

##### **Life Prison Sentence**

(1) The court may impose a life prison sentence only for a criminal offence for which the separate part of this Act permits, and only under the conditions, that

- a) the imposition of such punishment is required for the effective protection of society and
- b) there is no expectation that the offender could be reformed by a prison sentence for a period of up to twenty-five years.

(2) If the court convicts an offender for the completed criminal offence of premeditated murder under Section 144, murder under Section 145, bodily harm under Section 155, illegal production of narcotic and psychotropic substances, poisons or precursors, their possession and trafficking under Section 172 Subsection 2, 3 or 4, human trafficking under Section 179, placement of a child under the control of another person under Section 180 Subsection 2 or 3 or under Section 181, hostage-taking under Section 185, kidnapping to foreign State under Section 187, robbery under Section 188, blackmail under Section 189 Subsection 2, 3 or 4, duress under Section 190 or Section 191 Subsection 2, 3 or 4, rape under Section 199, sexual violence under Section 200, sexual abuse under Section 201 Subsection 2, 3 or 4, maltreatment of a close and entrusted person under Section 208, general threats under Section 284, threat to the safety of an aircraft or a vessel under Section 291, hijacking of an aircraft to a foreign State under Section 293, establishment, plotting and supporting a criminal group under Section 296, establishment, plotting and supporting a terrorist group under Section 297, terror under Section 313 or 314, forced

crossing of State border under Section 354 Subsection 2, 3 or 4, trafficking under Section 355 Subsection 3, 4 or 5, production of child pornography under Section 368, genocide under Section 418, terrorist attack under Section 419, certain forms of participation in terrorism under Section 419b, terrorist financing under Section 419c and travel for the purpose of terrorism under Section 419d or attacks against humanity under Section 425, who has previously been, even at the stage of an attempt, punished for such criminal offences twice by an unconditional prison sentence, such shall be imposed a life prison sentence if the conditions referred to in Subsection 1 Paragraph a) and b) are met; otherwise they shall be imposed a prison sentence of twenty-five years, unless it is prevented by circumstances worthy of special consideration. However, the court may not impose upon such an offender a prison sentence of less than twenty years.

#### Section 48

##### **External Differentiation of Serving a Prison Sentence**

(1) A prison sentence is differentially served in institutions for the serving of a prison sentence (hereinafter referred to as "penitentiary") divided into minimum, medium or maximum degrees of security.

(2) The court shall usually assign an offender to serve a prison sentence in a penitentiary

a) with a minimum degree of security, if they did not serve a prison sentence which was imposed upon them for an intentional criminal offence in the last ten years prior to the commission of the criminal offence,

b) with a medium degree of security, if they served a prison sentence which was imposed upon them for an intentional criminal offence in the last ten years prior to the commission of the criminal offence; however, the previous conviction shall not be taken into account if the offender is deemed to have not been convicted.

(3) In a penitentiary with a maximum degree of security the court shall assign

a) an offender, who was imposed a life prison sentence, or

b) an offender of a particularly serious crime.

(4) The court may also assign an offender into a penitentiary of a degree of security other than the one they should be assigned in under Subsection 2 if with regard to the seriousness of the criminal offence and degree of sanity of the offender, it believes that their reformation shall be better guaranteed in the penitentiary of another degree of security. Thus the court may assign an offender to a penitentiary of a minimum degree of security even if they served a sentence for an intentional offence ten years prior to the commission of the criminal offence. However, the court may not assign an offender who was imposed a life prison sentence or an offender of a particularly serious crime who was imposed a prison sentence exceeding fifteen years into a penitentiary with minimum or medium degree of security.

(5) In assigning an offender to a penitentiary of a minimum, medium or maximum degree of security, the court is not bound by the provisions of Subsection 2 and 3 even if it approves an agreement on the recognition of guilt and acceptance of punishment, or when it reduces the punishment below the lower limit of the criminal penalty under Section 39 Subsection 2 Paragraph b).

##### **Conditional Deferral of Enforcement of a Prison Sentence**

#### Section 49

(1) The court may conditionally defer the serving of a prison sentence which does not exceed two years, if

a) considering the character of the offender and especially considering their life so far and the environment in which they live and work and, taking into account the circumstances of the case, it justifiably believes that in order to ensure the protection of society and the reform of the offender, serving a prison sentence is not necessary, or

b) it accepts a guarantee for the reformation of the offender and, given the educational impact of those who offer the guarantee, it is considered that serving a prison sentence is not necessary.

(2) The provisions of Subsection 1 shall not apply if the court convicts an offender for an intentional criminal offence committed during the probational period of a conditional conviction or during a probational period of a conditional release from serving a prison sentence.

#### Section 50

(1) For the authorisation for the conditional deferral of serving a prison sentence, the court shall determine a probational period of one to five years. The probational period begins the day following the entry of the judgment into validity. The probationary period is not counted while serving a custodial sentence and while in custody.

(2) Under a suspended sentence, the court may order the perpetrator to pay for damages caused by a criminal offence or to pay a debt or missed maintenance during the probationary period in accordance with his/her capabilities.

(3) The probationary period which has already elapsed shall be counted in the newly determined probationary period for a conditional suspension of sentence imposed for the same offence or in the probationary period determined based on the imposition of a concurrent sentence or a consecutive sentence.

(4) If the convicted person led a good life during the probationary period and fulfilled the obligation to pay for the damages caused by the offence or to pay the debt or missed maintenance, providing they were imposed, the court shall declare

that he/she has made good; otherwise it will decide that the sentence is to be served. The court shall also take the same procedure in the event of other restrictions or obligations under Section 51 Subsection 3 and 4, if imposed. If a convicted person is serving a sentence, the court will decide that the sentences served will be consecutive. In exceptional circumstances, the court may, subject to the circumstances of the case, enforce the suspended sentence, although the convicted person, through an act committed during the probationary period, has given cause for the serving of the sentence, and at the same time the court may:

a) establish a probation supervision of the convicted person and to impose as-yet not imposed appropriate limitations or the appropriate obligations mentioned in Section 51, Subsection 3 and 4, aimed at the convicted person leading a good life,

b) adequately extend the probationary period, but not by more than two years, where the upper limit of the probationary period laid down in Subsection 1 must not be exceeded.

(5) If the court failed to make a decision under Subsection 4 within a year after the expiry of the probational period without it being the fault of the convicted, it is considered that the convicted has proven themselves competent.

(6) Similarly, the convicted person shall be deemed to have made good if the court did not make the decision under Subsection 4 within two years of the probationary period, without the convicted person being guilty of an offence, in the case where the convicted person has been prosecuted for another offence committed during the probationary period.

(7) If it was pronounced that the convicted has proven themselves competent during the probational period or if it is considered that they have proven themselves competent, they are deemed to have not been convicted.

(8) If the court decides that the prison sentence, which was conditionally deferred, should be served, they shall also decide on the method of the enforcement of punishment.

### **Conditional Deferral of Punishment by Prison Sentence with Probational Supervision**

#### **Section 51**

(1) The court may, under the conditions referred to in Section 49 Subsection 1, conditionally defer the execution of punishment by prison sentence not exceeding three years, while simultaneously imposing a probational supervision over the offender and their conduct during the probational period. The provisions of Section 49 Subsection 2 shall equally apply.

(2) In determining the probational supervision, the court shall determine the probational period of one year to five years. The probational period begins the day following the entry of the judgment into validity. At the same time, the court shall impose restrictions or obligations that are part of the probational supervision. The probationary period is not counted while serving a custodial sentence and while in custody.

(3) Restrictions are mainly based on the prohibition

a) to attend designated public events,,

b) to consume alcoholic beverages and other addictive substances,

c) to meet with persons who have a negative impact on the offender or who were his accomplices or accessories to a criminal offence,

d) to enter reserved places or areas where they committed the criminal offence,

e) to take part in hazardous games, gambling, gaming machines and betting,

f) to contact the specified person in any form, including contact through an electronic communication service or other similar means.

(4) Obligations are mainly based on the order

a) not to approach the specified person within a distance of less than five metres and to avoid remaining in close proximity to the residence of the specified person or at a specified place at which such person stays or which such person visits,

b) to be at the specified time at the specified address,

c) to move out of an apartment or house in which they are illegally staying or which they unlawfully occupied,

d) to compensate for the caused damages during the probational period,

e) to repay the debt or outstanding alimony during the probational period,

f) to personally or publicly apologise to the victim,

g) to obtain certain professional qualifications or to attend a retraining programme during the probational period,

h) to attend a programme of social training or other education training in conjunction with probational and mediation officers or another professional,

i) to undergo addiction treatment for addictive substances, if they were not imposed a protective treatment,

- j) to undergo psychotherapy or to attend psychological counselling during the probational period,
- k) to gain employment or to be able to demonstrate their applications for work during the probational period,
- l) to appear at the specified time, in justified cases even repeatedly, at the competent department of the Police Force designated by the place of residence.

(5) An offender on whom was imposed probational supervision is obliged to tolerate the control performed by the probation and mediation officers over them and to undergo inspection by technical means if such inspection has been ordered; inspection by technical means may be ordered if the conditions under a special regulation are met.

(6) The probational period under Subsection 2 shall not apply to the execution of other punishments imposed in addition to probational supervision.

(7) The probationary period which has already elapsed shall be counted in the probationary period which was determined when the new probation supervision was imposed for the same offence or in the probationary period determined when imposing a concurrent sentence or a consecutive sentence.

(8) When imposing the restriction under Subsection 3 Paragraph f) and the obligation under Subsection 4 Paragraph a), the court shall inform the specified person about the option to apply for the issue of a European protection order for their protection in the territory of another Member State of the European Union under a special regulation.

(9) The obligation under Subsection 4 Paragraph h) may be imposed after a previous request for a report from the probation and mediation officer on the appropriateness of its imposition, unless the appropriateness of imposing such a requirement results from a professional opinion or expert opinion.

#### Section 52

(1) If the convicted leads an orderly life, follows the conditions of the probational supervision, and fulfils the obligations and restrictions imposed upon them during the probational period, the court shall pronounce that they have proven themselves competent; otherwise it shall order an unconditional prison sentence even during the course of the probational period. Exceptionally, the court may, depending on the circumstances of the case, leave the probational supervision in validity although the convicted, by their conduct committed during the probational period, gave cause for the order of enforcement of the punishment and it can also

a) reasonably extend the probational supervision, but not by more than two years, while it shall not exceed the upper limit of the probational supervision set out in Section 51 Subsection 2,

b) impose yet non-imposed reasonable restrictions or obligations, or

c) order an inspection of the imposed reasonable restrictions or obligations by technical means if the conditions under a special regulation are met and if such inspection has not yet been ordered.

(2) If the court fails to make a decision under Subsection 1 within a year of the expiry of the probational period without it being the fault of the convicted, it is considered that the convicted has proven themselves competent.

(3) Similarly, the convicted person shall be deemed to have made good if the court did not make the decision under Subsection 1 within two years of the probationary period, without the convicted person being guilty of an offence, in the case where the convicted person has been prosecuted for another offence committed during the probationary period.

(4) If it was pronounced that the convicted has proven themselves competent during the probational period, or if it is considered that they have proven themselves competent, they are deemed to have not been convicted.

(5) If the court converts the conditional prison sentence to an unconditional prison sentence, they shall also decide on the method of the enforcement of punishment.

#### Section 53

##### **Punishment by House Arrest**

(1) The court may impose punishment by house arrest for up to four years on an offender of a criminal offence if

a) the imposition of this punishment is sufficient with regard to the nature of a criminal offence referred to in Subsection 2, the offender as a person and their circumstances,

b) the offender gives a written promise to stay in the residence at the specified address in the given time and to provide required assistance for the inspection,

c) the conditions for the inspection by technical means are met.

(2) The court may impose a punishment by house arrest with a severity referred to in Subsection 1 for a criminal offence with the upper limit of the criminal penalty not exceeding ten years, as set out by this Act, but such punishment shall not be lower than the lower limit of the criminal penalty of a prison sentence set out by this Act.

(3) During the period of the execution of punishment by house arrest, the convicted is obligated to remain in their

dwelling, including outdoor areas, for the period determined by the court, to lead an orderly life and to undergo inspection by technical means.

(4) During the term of the execution of punishment by house arrest, the court may impose on the offender the restrictions or obligations referred to in Section 51 Subsection 3 and 4, with the aim of encouraging them to lead an orderly life.

(5) During the term of the execution of punishment by house arrest, the convicted may leave their dwelling only after the prior approval of the probation and mediation officer, and only for urgent reasons and the necessary amount of time. That time is counted in the execution of the punishment.

(6) If the convicted person fails to comply with the restrictions or obligations resulting from a house arrest or if he/she obstructs the performance of supervision through technical means, the court shall convert the punishment to an unconditional punishment by prison sentence so that one day of the non-executed punishment by house arrest equals one day of an unconditional prison sentence and, at the same time, it shall decide on the method of the enforcement of such punishment.

### **Punishment of Community Service**

#### **Section 54**

The court may impose the punishment of community service with the consent of the offender with a severity of 40 to 300 hours, if it convicts them for the commission of an offence for which the law allows the imposition of a prison sentence, with an upper limit of the criminal penalty that does not exceed five years.

#### **Section 55**

(1) The convicted is obligated to perform the punishment of community service within one year from the day of the order of the execution of such punishment. The court may also impose reasonable restrictions or obligations referred to in Section 51 Subsection 3 and 4 upon an offender for such period, aiming to make them lead an orderly life; it shall usually order them to cover the damages caused by the criminal offence in accordance with their abilities. Until the time of the execution of the punishment of community service, the period during which the convicted

a) could not execute the punishment of community service due to temporary incapacity to work or because they were not assigned any work during the time,

b) served compulsory military service or another service instead of compulsory military service,

c) stayed abroad,

d) was in custody or serving a prison sentence under another case, shall not be included.

(2) The court shall not impose the punishment of community service if the offender suffers from long-term incapacity to work or if they are disabled.

(3) The convicted is obligated to perform the punishment of community service personally and in their free time, without remuneration.

(4) If the convicted did not lead an orderly life during the period of the execution of the community service or if they failed to perform to the specified extent due to own fault, or if they failed to comply with the imposed restrictions or obligations, the court shall convert the punishment of community service or its remaining term to the punishment of prison sentence so that for every two hours of non-executed work it shall order one day of unconditional prison sentence and at the same time, it shall decide on the method of the enforcement of such punishment.

(5) The court may waive the execution of the punishment of community service if the convicted, at the time of the execution of the community service and through no fault of their own, became permanently incapable of work or disabled or based on other serious reasons.

### **Monetary Penalty**

#### **Section 56**

(1) The court may impose a monetary penalty ranging from EUR 160 to EUR 331,930 on an offender who sought to gain or gained material benefits by committing an intentional criminal offence.

(2) In the absence of the fulfilment of the conditions referred to in Subsection 1, the court may impose a monetary penalty for an offence if, given the nature of the offence committed and the opportunity to reform the offender, it decides not to impose a prison sentence.

(3) If the amount of the imposed monetary penalty and personal and financial circumstances of the offender so justify, the court may decide that the convicted shall pay the monetary penalty in monthly instalments. At the same time, it shall determine the amount and the deadline of no more than one year from the date of the entry of the convicting judgment into validity, within which the monetary penalty must be paid.

(4) The monetary penalty which the convicted has already paid shall be counted in the new monetary penalty which was imposed upon the offender for the same act, or in such punishment, if it was imposed as a cumulative or multiple punishment.

(5) The court shall not impose the monetary penalty if it would obstruct the possibility of payment for the damages caused by the criminal offence.

#### Section 57

(1) When imposing the monetary penalty, the court shall take into account the personal and financial circumstances of the offender. The monetary penalty shall not be imposed if it is clear that the convicted shall not be able to pay it.

(2) The paid amount of the monetary penalty belongs to the State.

(3) If the court imposes a monetary penalty, a replacement punishment by a prison sentence of up to five years shall be established, in the event that the execution of the monetary penalty was intentionally obstructed. The replacement punishment together with the imposed punishment by prison sentence may not exceed the admissible limit of the criminal penalty.

(4) If the replacement punishment exceeded the limit referred to in Subsection 3 or if the monetary penalty is imposed in addition to the life prison sentence, the court shall not impose such replacement punishment.

### Forfeiture of Assets

#### Section 58

(1) The court may, in consideration of the circumstances of the criminal offence committed and the offender's personal circumstances, impose the forfeiture of assets if it convicted an offender to a life prison sentence or if it convicted an offender to an unconditional prison sentence for a particularly serious crime in which the offender sought to gain or gained material benefits of a large extent or by which they caused damage of large extent.

(2) The court shall impose forfeiture of assets without the fulfilment of the conditions referred to in Subsection 1 if it convicts an offender for the commission of a criminal offence of the illegal production of narcotic and psychotropic substances, poisons or precursors, their possession and trafficking under Section 173 Subsection 3, the criminal offence of human trafficking under Section 179, the criminal offence of placement of a child under the control of another person under Section 180 Subsection 2 or 3 or Section 181, the criminal offence of blackmail under Section 189 Subsection 2 Paragraph c), criminal offence of duress under Section 190 Subsection 1, 3, 4 or 5 or Section 191 Subsection 3 or 4, the criminal offence of coercion under Section 192 Subsection 3 or 4, the criminal offence of unauthorised operation of lotteries and similar gambling under Section 230 Subsection 2, 3 or 4, the criminal offence of sharing under Section 231 Subsection 2, 3 or 4 or Section 232 Subsection 3 or 4, the criminal offence of money laundering under Section 233 Subsection 1 or 2 or Section 234, the criminal offence of counterfeiting, alteration and unlawful production of money and securities under Section 270, the criminal offence of introduction of counterfeit, altered and illegally produced money and securities into circulation under Section 271 Subsection 1, the criminal offence of production and possession of counterfeiting equipment under Section 272 Subsection 3, the criminal offence of reduction of tax and insurance under Section 276 Subsection 2, 3 or Subsection 4, the criminal offence of tax and insurance evasion under Section 277 Subsection 2, 3 or Subsection 4, the criminal offence of tax fraud under Section 277a Subsection 2 or Subsection 3, the criminal offence of failure to pay tax and Insurance under Section 278 Subsection 2 or 3, the criminal offence of violation of regulations on State technical measures for the identification of goods under Section 279 Subsection 2 or 3, the criminal offence of terror under Section 313 or Section 314, the criminal offence of acceptance of bribes under Section 328 Subsection 2, the criminal offence of counterfeiting and alteration of a public document, official seal, official lock, official symbol and official mark under Section 352 Subsection 6, the criminal offence of trafficking under Section 355 or Section 356, criminal offence of procuring and soliciting prostitution under Section 367 Subsection 3, the criminal offence of production of child pornography under Section 368, the criminal offence of distribution of child pornography under Section 369, the criminal offence of threat to morals under Section 372 Subsection 2 or 3, the criminal offence of terrorist attack under Section 419, a criminal offence of certain forms of participation in terrorism under Section 419b, a criminal offence of terrorist financing under Section 419c or a criminal offence of travel for the purpose of terrorism under Section 419d, and the offender acquired assets to at least a significant extent through a criminal activity or from the proceeds of a criminal activity.

(3) The court shall impose forfeiture of assets without the fulfilment of the conditions referred to in Subsection 1 if it convicts an offender for commission of a criminal offence of the illegal production of narcotic and psychotropic substances, poisons or precursors, their possession and trafficking under Section 172 Subsection 3 or 4, or Section 173 Subsection 4, the criminal offence of money laundering under Section 233 Subsection 3 or 4, the criminal offence of establishment, plotting and supporting a criminal group under Section 296, the criminal offence of establishment, plotting and supporting a terrorist group under Section 297, the criminal offence of acceptance of bribes under Section 328 Subsection 3 or Section 329 Subsection 3 or the criminal offence of bribery under Section 334 Subsection 2.

#### Section 59

(1) A forfeiture of assets affects, the extent of which belongs to the convicted during the execution of forfeiture of assets after the bankruptcy proceedings,

- a) the proceeds from the liquidation of assets,
- b) assets excluded from inventory elements,
- c) assets that are subject to bankruptcy proceedings, if asset liquidation did not occur.

(2) The State becomes the owner of the forfeited assets unless the court decides otherwise based on a declared international treaty by which the Slovak Republic is bound.

(3) Tenancy by entirety expires by the final decision of the court on the forfeiture of assets.

## Section 60

### Forfeiture of Items

(1) The court shall impose the forfeiture of items,

- a) that were used to commit the criminal offence,
- b) that were intended for the commission of a criminal offence,
- c) which the offender acquired through a criminal offence or as a reward for it, or
- d) which the offender acquired for an item referred to in Paragraph c).

(2) If an item referred to in Subsection 1 is unattainable or unidentifiable, or is merged with the offender's assets or with the assets of another person obtained in compliance with the law, the court may impose the forfeiture of an item of a value that corresponds to the value of such item.

(3) An unattainable item means an item that is destroyed, damaged, lost, stolen, rendered useless, consumed, concealed, transferred to another person with the aim of excluding it from the scope of the law enforcement authorities or otherwise removed or the costs saved.

(4) The court may impose the forfeiture of items only if such is an item belonging to the offender.

(5) The State becomes the owner of the forfeited item unless the court decides otherwise based on a declared international treaty by which the Slovak Republic is bound.

(6) The provisions of Subsection 1 shall not apply, if

- a) the victim incurred an entitlement to damages, the satisfaction of which would be obstructed by the forfeiture of items,
- b) the value of the items is clearly disproportionate to the gravity of the offence, or
- c) the court waived the punishment of the offender.

## Section 61

### Punishment by Disqualification

(1) Punishment by disqualification means that during the execution of this punishment it prohibits the convicted from the pursuit of a certain job, profession or to hold a certain office or from such activities that require a special authorisation or whose conditions for its execution are governed by a special regulation.

(2) The court may impose the punishment by disqualification for one to ten years if the offender committed a criminal offence in connection with such activity.

(3) If the court convicts an offender of the criminal offence of endangerment under the influence of addictive substances under Section 289, which the offender committed as the driver of a motor vehicle who had already been convicted for such criminal offence, or the criminal offence of homicide under Section 149 Subsection 4 or 5, which they committed as the driver of a motor vehicle, the court shall impose on them punishment by disqualification in the upper half of the criminal penalty stated in Subsection 2.

(4) The court may impose punishment by disqualification for life if it convicts the offender for a criminal offence of human trafficking under Section 179, a criminal offence of rape under Section 199, a criminal offence of sexual violence under Section 200, a criminal offence of sexual abuse under Section 201 through 202, a criminal offence of production of child pornography under Section 368, a criminal offence of distribution of child pornography under Section 369 and a criminal offence of possession of child pornography and participation in child pornographic performance under Section 370, if such criminal offence was committed against a child.

(5) The court shall impose punishment by disqualification for life if it convicts the offender of the criminal offence of

- a) endangerment under the influence of addictive substances under Section 289, which the offender committed as the driver of a motor vehicle although they were convicted twice before for such criminal offence which they committed as a driver of a motor vehicle, or
- b) homicide under Section 149 Subsection 4 or 5, which they committed as the driver of a motor vehicle.

(6) Where the court convicts an offender for the criminal offence of reduction of tax and insurance under Section 276 Subsection 2, 3 or Subsection 4, the criminal offence of tax and insurance evasion under Section 277 Subsection 2, 3 or Subsection 4, the criminal offence of tax fraud under Section 277a Subsection 2 or Subsection 3, the criminal offence of failure to pay tax and insurance under Section 278 Subsection 2 or Subsection 3 and the criminal offence of obstructing the performance of tax administration under Section 278a Subsection 2 or Subsection 3, it shall impose on them punishment by disqualification in the upper half of the criminal penalty stated in Subsection 2.

(7) The imposition of punishment by disqualification under Subsection 3 through 5 is not affected by the effacement of

the conviction.

(8) The period of a custodial sentence served and duration of custody is not counted in the period of the sentence served. It shall however include the period during which the authorisation to perform a certain activity, which is the subject of the disqualification, was removed prior to the validity of the judgment under a special regulation, and the period during which the offender could not perform such activity based on the measure of the State authority.

(9) The punishment by disqualification which the convicted has already served shall be counted in the new punishment by disqualification which was imposed upon the offender for the same act, or in such punishment, if it was imposed as a cumulative or multiple punishment.

(10) The final judgment imposing punishment by disqualification from performing the function of a member of a statutory body, member of a supervisory body, head of a branch of an enterprise, head of a foreign party's enterprise, head of a branch of a foreign party's enterprise or the function of an authorised signatory is, for the duration of the punishment's execution, a decision on exclusion under the regulations of business law.

## Section 62

### **Punishment by Prohibition of Residence**

(1) The punishment by prohibition of residence means that during the execution of this punishment the convicted may not remain in a designated area or in a particular district; authorisation is required for the temporary stay in such a place or in such district for an urgent personal matter.

(2) The court may impose a prohibition of residence for one to five years for an intentional criminal offence if the protection of public order, family, health, morals or assets so requires with regard to the previous conduct of the offender and the place of the commission of the act. Punishment by prohibition of residence cannot apply to the place or district in which the offender permanently resides.

(3) The court may impose reasonable restrictions and obligations referred to in Section 51 Subsection 3 and 4 upon an offender for the period of the execution of such punishment, with the aim of encouraging them to lead an orderly life, if it does not impose such punishment in addition to an unconditional prison sentence.

(4) The convicted is obliged to undergo inspection by technical means if such inspection is ordered. Inspection by technical means may be ordered if the conditions under a special regulation are met.

(5) The term of serving of a prison sentence shall not be counted in the term of the punishment by prohibition of residence.

(6) Punishment by prohibition of residence may not be imposed in addition to the punishment of community service if the work is to be performed in a location subject to the prohibition of residence.

## Section 62a

### **Punishment by Prohibition of Attendance at Public Events**

(1) Punishment by prohibition of attendance at public events means that during the execution of this punishment the convicted is prohibited from attending sporting, cultural or other public events to the extent determined in the court decision.

(2) The court may impose punishment by prohibition of attendance at public events for up to ten years if the offender commits an intentional criminal offence in connection with attendance at a public event or if such is required to protect public order, health, morals or assets with regard to the previous conduct of the offender and the circumstances of the commission of the offence.

(3) Punishment by prohibition of attendance at public events may be imposed as a sole punishment if imposition of another punishment is not necessary with regard to the nature and seriousness of the committed offence, the offender as a person or their circumstances.

(4) For the term of execution of a punishment by prohibition of attendance at public events, or for a part of such period, the court may impose on the convicted the restrictions and obligations referred to in Section 51 Subsection 3 and 4, particularly the obligation to appear at a specified time at the competent department of the Police Force, and the court shall usually also impose upon them the obligation to cover, as far as the convicted is able, the damage caused by the criminal offence, or a part thereof, as determined by the court at the same time.

(5) The convicted is obliged to undergo inspection by technical means if such inspection is ordered. Inspection by technical means may be ordered if the conditions under a special regulation are met.

(6) The term of execution of the punishment by prohibition of attendance at public events shall not include the term of serving an unconditional prison sentence; however, it shall include the term during which the offender was prohibited from attending public events which are the subject of the prohibition, prior to the validity of the judgment in the same matter.

## Section 63

### **Punishment by the Loss of Honorary Degrees and Accolades**

(1) The punishment by the loss of honorary degrees and accolades means that the convicted loses accolades and

other honorary degrees awarded in accordance with special regulations.

(2) The court may impose the punishment by the loss of honorary degrees and accolades if it convicts the offender to a prison sentence exceeding five years for a particularly serious crime.

(3) The court may impose such punishment even in addition to a shorter prison sentence or in addition to another punishment if, given the nature of the particularly serious crime that was committed, the protection of the esteem of the honorary degree and accolades that were awarded to the offender prior to the conviction so requires.

#### Section 64

##### **Punishment by the Loss of Military and another Rank**

(1) The punishment by the loss of military and another rank means that the rank of the convicted in the armed forces is reduced to the rank of private and, if it is a member in professional service, their rank in such force be removed.

(2) The court shall impose the punishment by the loss of military and another rank to an offender who is the bearer of such a rank if it convicts them to a prison sentence of at least two years without a conditional deferral of its serving for an intentional criminal offence.

(3) The court may impose such punishment even in addition to a shorter prison sentence or in addition to another punishment if it convicts an offender who is a member of armed forces or a person in service employment and if, given the nature of the criminal offence that was committed, discipline and order within the armed forces or services requires it.

#### Section 65

##### **Punishment by Deportation**

(1) If the safety of the persons or assets or another public interest so requires, the court may impose a punishment by deportation from the territory of the Slovak Republic upon an offender who is not a citizen of the Slovak Republic or a person who was granted asylum or who was granted additional protection.

(2) Punishment by deportation may not be imposed upon an offender,

a) whose nationality or State from which they arrived to the territory of the Slovak Republic cannot be identified,

b) who is a citizen of a Member State of the European Union or a citizen of a State that is a party to the Agreement on the European Economic Area or their family member, notwithstanding citizenship, and has permanent residence in the territory of the Slovak Republic; this shall not apply if such person constitutes a threat to national security or public order,

c) who is a citizen of a Member State of the European Union or a citizen of a State that is a party to the Agreement on the European Economic Area and has continuously stayed in the territory of the Slovak Republic for more than ten years; this shall not apply if such person constitutes a threat to national security,

d) who is a child and citizen of a Member State of the European Union or a citizen of a State that is a party to the Agreement on the European Economic Area if deportation is not in the best interest of the child,

e) if they are to be deported to a State in which their personal freedom would be at risk due to their race, nationality, religion, association with a particular social group or for their political opinions; this does not apply to those who may be reasonably considered dangerous to the security of the Slovak Republic, or to those who were convicted of a particularly serious crime and who are considered dangerous to the Slovak Republic, or

f) if they are to be deported to a State where their life would be at risk due to reasons of their race, nationality, religion, association with a particular social group or for their political opinions, or where they would be at risk of torture, cruel, inhumane or degrading treatment or punishment, or where they were imposed the death penalty or if there is an assumption that such punishment may be imposed upon them during the pending criminal proceedings.

(3) A family member under Subsection 2 Paragraph b) is a member of the family in accordance with regulations governing the residence of foreigners.

(4) The court may impose a punishment by deportation for one to fifteen years.

#### **Division IV**

##### **Conversion of the Remaining Term of a Prison Sentence to Punishment by House Arrest, Conditional Release and a Conditional Waiver from Serving the Remaining Term of Certain Punishments**

#### Section 65a

##### **Conversion of the Remaining Term of a Prison Sentence to Punishment by House Arrest**

(1) The court may convert the remaining term of a prison sentence to punishment by house arrest for a person convicted of an offence, provided the conditions under Section 53 Subsection 1 are met and, at the same time,

a) the convicted demonstrated improvement through the fulfilment of their obligations and through their good conduct while

-serving the sentence,

b) the convicted has served one third of the imposed prison sentence or one third of the prison sentence reduced upon the decision of the President of the Slovak Republic,

c) the remaining term of the non-served prison sentence does not exceed three years,

d) it does not involve the execution of a punishment ordered after a decision that the convicted failed to prove themselves competent during the probation period determined for a conditional deferral of serving a prison sentence or the conditional deferral of serving the prison sentence with probational supervision, nor does it involve the execution of the remaining term of a punishment ordered after a decision that the convicted failed to prove themselves competent during the probation period in the event of conditional release from serving a prison sentence,

e) punishment by house arrest was not converted to a prison sentence for the convicted, and

f) the convicted did not serve a prison sentence prior to the commission of the criminal offence.

(2) The court shall convert the remaining term of the prison sentence to punishment by house arrest so that one day of the remaining non-served term of the prison sentence equals one day of the punishment by house arrest.

### **Conditional Release from Serving a Prison Sentence**

#### **Section 66**

(1) The court may conditionally release the convicted who, through the fulfilment of their obligations and through their good conduct while serving the punishment, demonstrated improvement and it may be expected that they will lead an orderly life in the future and

a) if it is a person convicted for an offence and they have served one half of the imposed unconditional prison sentence or, upon the decision of the President of the Slovak Republic, their unconditional prison sentence was reduced,

b) if it is a person convicted for a crime and they have served two thirds of the imposed unconditional prison sentence or, upon the decision of the President of the Slovak Republic, their unconditional prison sentence was reduced,

c) in the case of a person convicted of a crime who did not serve a sentence before committing a criminal offence after serving half of a custodial sentence or by the decision of the President of the Slovak Republic about a reduced custodial sentence; the court will also order monitoring by technical means.

(2) In deciding on the conditional release, the court shall also take into account the nature of the committed criminal offence and the institution for the serving of a prison sentence where the convicted serves the sentence.

(3) If the convicted person is to serve a sentence, the convicted person may be released on parole, at the earliest, after serving the sum of the proportional parts of the sentences under Subsection 1 Paragraphs a) to c), Section 67 Subsections 1 and 2 and the rest of the sentence according to Section 68 Subsection 2.

(4) Where conditional release under Subsection 1 Paragraph c) is concerned, the control by technical means may be ended no earlier than after expiry of the time that corresponds to two thirds of the imposed unconditional prison sentence or of the unconditional prison sentence reduced under the decision of the President of the Slovak Republic.

#### **Section 67**

(1) A person convicted for a particularly serious crime or a person convicted to a prison sentence under Section 47 Subsection 2, except for a person convicted to a life prison sentence, may be conditionally released only after serving three quarters of the imposed prison sentence.

(2) A person convicted to a life prison sentence may be conditionally released no earlier than after twenty-five years of serving such sentence, provided that, given the circumstances of the offence for which they were convicted and the nature of their personality, their release does not involve a risk of repetition of the committed offence or a similar offence.

(3) Repealed from 1 August 2019

#### **Section 68**

(1) In the conditional release, the court shall determine the probational period of one to seven years; the probational period begins upon the conditional release of the convicted. The court may simultaneously order the probational supervision over the convicted with the severity of up to three years and impose on them adequate restrictions or obligations referred to in Section 51 Subsection 3 and 4. Where the conditional release from a prison sentence of twenty-five years or from a life prison sentence is concerned, the court shall determine the probational period of ten years and shall simultaneously order the probational supervision over the convicted with the severity of up to five years and impose on them adequate restrictions or obligations referred to in Section 51 Subsection 3 and 4. The conditionally released is obliged to be subject to control by technical means if such control is ordered. Control by technical means may be ordered if the conditions set out by a special regulation are met. The probational period shall not run during the serving of an unconditional prison sentence and during custody.

(2) If the conditionally released leads an orderly life and fulfils the imposed restrictions and obligations during the probational period, the court shall pronounce that they have proven themselves competent; otherwise, it shall decide, even

during the probational period, that the remaining term of the punishment shall be served. If the convicted person has served a sentence, the court will decide that the sentences will be consecutive.

(3) If the court pronounces that the conditionally released has proven themselves competent, it is considered that the punishment was served on the day they were conditionally released.

(4) Similarly, it is considered that the punishment was served on the day the conditional release occurred if the court, without the guilt of the convicted, has not decided whether the convicted shall serve the remaining term of the punishment within a year of the expiry of the probational period. The court may make such decision within two years, if there is a criminal prosecution against the accused for an intentional criminal offence committed during the probational period of a conditional release.

(5) Repeated conditional release from serving the same punishment is not possible.

### **Conditional Waiver of the Execution of the Remaining Term of the Punishment by House Arrest**

#### Section 68a

(1) After half of the punishment by house arrest is served, the court may conditionally waive execution of its remaining term if the convicted, at the time of the execution of the punishment, demonstrated by their conduct that further enforcement of this punishment is no longer necessary.

(2) During the conditional waiver of the execution of the remaining term of the punishment by house arrest, the court shall determine the probational period of up to two years but not less than the remaining term of the punishment; the probational period begins on the day following the day the decision on the conditional waiver of the execution of the remaining term of the punishment by house arrest came into force.

(3) In the case of the convicted for whom the court conditionally waived execution of the remaining term of the punishment by house arrest, the court may impose reasonable restrictions or obligations referred to in Section 51 Subsection 3 and 4, with the aim of encouraging them to lead an orderly life. Where an obligation to compensate damage caused by a criminal offence or to pay a debt or outstanding alimony is not concerned, the court shall order probational supervision.

#### Section 68b

(1) If the convicted, for whom the remaining term of the punishment by house arrest was conditionally waived, leads an orderly life and fulfils the imposed restrictions or obligations during the probational period, the court shall pronounce that they have proven themselves competent; otherwise, it shall decide, even during the probational period, that the remaining term of the punishment shall be converted to an unconditional prison sentence so that one day of non-executed punishment by house arrest equals one day of an unconditional prison sentence, and shall also decide on the method of execution of such punishment.

(2) If the court pronounces that the convicted has proven themselves competent, it is considered that the execution of the punishment was completed on the day when the decision on the waiver of the execution of the remaining term of the punishment by house arrest came into force.

(3) Similarly, it is considered that the execution of the punishment by house arrest was completed on the day when the decision on the conditional waiver of the execution of the remaining term of the punishment by house arrest came into force, if the court, without it being the fault of the convicted, did not decide to convert the punishment under Subsection 1 within one year from the expiry of the probational period or, in the event of a pending criminal prosecution against the convicted for another criminal offence committed during the probational period, within two years from the expiry of the probational period.

### **Conditional Waiver from Serving the Remaining Term of the Punishment by Disqualification**

#### Section 69

(1) After executing half of the punishment by disqualification, the court may conditionally waive its remaining term if the convicted, at the time of the execution of the punishment, demonstrates by their conduct that further enforcement of this punishment is no longer necessary.

(2) During the conditional waiver from executing the remaining term of the punishment by disqualification, the court shall determine the probational period of up to five years, but not less than the remaining term of the punishment; the probational period begins the day following the day the decision on such waiver entered into validity.

(3) In the case of the convicted for whom the court conditionally waived from the execution of the remaining term of the punishment by disqualification, the court may impose reasonable restrictions and obligations referred to in Section 51 Subsection 3 and 4, with the aim of encouraging them to lead an orderly life; the court shall usually also impose upon them the obligation to cover the damages caused by the criminal offence or a part thereof based on their ability which they shall also determine.

(4) The court may not conditionally waive the remaining term of punishment by disqualification under Subsection 1 if it concerns punishment by prohibition on driving a motor vehicle which was imposed on the convicted

a) on whom such punishment by disqualification was imposed in the last ten years for the criminal offence of endangerment under the influence of addictive substances, or for another criminal offence committed under the influence of addictive substances, or

b) who was punished by prohibition on driving a motor vehicle for a similar act committed under the influence of an addictive substance to such act as is stated in Paragraph a) in the last ten years.

(5) The court may not conditionally waive the remaining term of punishment by disqualification under Subsection 1 if the punishment by disqualification was imposed under Section 61 Subsection 3 through 5.

#### Section 70

(1) If the convicted, for whom the remaining term of the punishment by disqualification was conditionally waived, leads an orderly life and fulfils the imposed restrictions and obligations during the probational period, the court shall pronounce that they have proven themselves competent; otherwise, it shall decide, even during the probational period, that the remaining term of the punishment shall be served.

(2) If the court pronounces that the convicted has proven themselves competent it is considered that the punishment was executed on the day when the decision on the waiver from the execution of the remaining term of the punishment by disqualification came into validity.

(3) Similarly, it is considered that the punishment by disqualification was executed on the day when the decision on the conditional waiver from the remaining term of the punishment by disqualification entered into validity, if the court, without the guilt of the convicted, has not ordered whether the convicted shall serve the remaining term of the punishment within a year of the expiry of the probational period.

#### **Conditional Waiver from the Remaining Term of the Execution of Prohibition of Residence**

#### Section 71

(1) After executing half of the prohibition of residence, the court may conditionally waive its remaining term if the convicted, at the time of the execution of the punishment, demonstrated by their conduct that further enforcement of this punishment is no longer necessary.

(2) During the conditional waiver from executing the remaining term of the prohibition of residence, the court shall determine the probational period of up to five years, but not less than the remaining term of the punishment; the probational period begins the day following the day the decision on such waiver entered into validity.

(3) In the case of the convicted for whom the court conditionally waived the remaining term of the prohibition of residence, the court may impose reasonable restrictions and obligations referred to in Section 51 Subsection 3 and 4, with the aim of encouraging them to lead an orderly life; the court shall usually also impose upon them to cover the damages caused by the criminal offence or a part thereof based on their abilities which they shall also determine.

#### Section 72

(1) If the convicted, for whom the remaining term of the prohibition of residence was conditionally waived, leads an orderly life and fulfils the imposed restrictions and obligations during the probational period, the court shall pronounce that they have proven themselves competent; otherwise, it shall decide, even during the probational period, that the remaining term of the punishment shall be served.

(2) If the court pronounces that the conditionally released has proven themselves competent, it is considered that the punishment was executed on the day when the decision on the waiver from the execution of the remaining term of the prohibition of residence came into validity.

(3) Similarly, it is considered that the prohibition of residence was executed on the day when the decision on a conditional waiver from the remaining term of the prohibition of residence entered into validity, if the court, without the guilt of the convicted, has not ordered whether the convicted shall serve the remaining term of the punishment, within a year of the expiry of the probational period.

#### Section 72a

#### **Conditional Waiver from Executing the Remaining Term of Punishment by Prohibition of Attendance at Public Events**

(1) After executing half of the punishment by prohibition of attendance at public events, the court may conditionally waive its remaining term if the convicted, at the time of the execution of the punishment, demonstrated by their conduct that further enforcement of this punishment is no longer necessary.

(2) During a conditional waiver from executing the remaining term of punishment by prohibition of attendance at public events, the court shall determine a probational period of up to five years, but not less than the remaining term of the punishment; the probational period begins the day following the day the decision on such waiver came into force.

(3) In the case of the convicted for whom the court has conditionally waived execution of the remaining term of the punishment by prohibition of attendance at public events, the court may impose reasonable restrictions and obligations referred to in Section 51 Subsection 3 and 4, aiming to make them lead an orderly life.

#### Section 72b

(1) If the convicted for whom the remaining term of punishment by prohibition of attendance at public events was conditionally waived, leads an orderly life and fulfils the imposed restrictions and obligations during the probational period, the

court shall pronounce that they have proven themselves competent; otherwise, it shall decide, even during the probational period, that the remaining term of the punishment shall be served.

(2) If the court pronounces that the conditionally released has proven themselves competent, it is considered that the punishment was executed on the day when the decision on the waiver from executing the remaining term of the punishment by prohibition of attendance at public events came into force.

(3) Similarly, it is considered that punishment by prohibition of attendance at public events was executed on the day when the decision on the conditional waiver from executing the remaining term of the punishment by prohibition of attendance at public events entered into force, if the court, through no fault of the convicted, has not ordered within a year of the expiry of the probational period that the convicted shall serve the remaining term of the punishment.

## **Division V**

### **Protective Measures**

#### **Protective Treatment**

##### **Section 73**

(1) The court shall impose protective treatment in the cases referred to in Section 39 Subsection 2 Paragraph c) and Section 40 Subsection 1 Paragraph d) or if the offender of an act otherwise criminal is not criminally responsible due to legal irresponsibility and their remaining at liberty is dangerous.

(2) The court may do so even if the offender committed a criminal offence

a) in a state of diminished responsibility and their remaining at liberty is dangerous,

b) in a state induced by a mental disorder and their remaining at liberty is dangerous,

c) of a violent nature against a close person or an entrusted person and, given the character of the offender, it may be reasonably assumed that they will continue committing violent actions, or

d) under the influence of an addictive substance or in connection with its use.

(3) Protective treatment shall not be imposed if, given the character of the offender, it is clear that its purpose cannot be achieved.

(4) The court may impose protective treatment in addition to a punishment or a waiver of punishment.

##### **Section 74**

(1) If a protective treatment is imposed in addition to an unconditional prison sentence, the serving of it usually begins after the convicted starts their punishment in a penitentiary. In other cases, the protective treatment is normally served in a medical facility. If, given the nature of the disease and the treatment options, it is possible to expect that the purpose can also be met on an outpatient basis, the court may also order this method of treatment or it can convert the institutional treatment to an outpatient treatment or, where appropriate, vice versa. If the length of the term of a prison sentence in a penitentiary is not sufficient to fulfil the purpose of protective treatment, the court may decide on its continuation in medical or outpatient facilities.

(2) Protective treatment shall last as long as its purpose requires it. The duration of protective treatment imposed upon an offender who abuses an addictive substance and who committed a criminal offence under its influence or in connection with its use may however be terminated if, during its execution, it is found that its purpose cannot be achieved. The court shall decide on the release from the protective treatment.

(3) The court shall waive the execution of the protective treatment if the circumstances for which it was imposed cease prior to its commencement.

##### **Section 75**

#### **Protective Education**

The conditions for the imposition and execution of protective education are governed under special provisions on the prosecution of juveniles.

#### **Protective Supervision**

##### **Section 76**

(1) The court shall impose protective supervision upon an offender convicted of a particularly serious crime to an unconditional prison sentence.

(2) The court may impose protective supervision even upon an offender of an intentional criminal offence who has previously served a prison sentence for such a criminal offence at least twice and upon whom it imposes an unconditional prison sentence once again if, with regard to the character of the offender, particularly with regard to their previous conduct, the environment in which they live and the nature of the committed criminal offence, it may not be expected that they will lead an

orderly life after the execution of the punishment.

(3) The court may, upon the petition of the public prosecutor or the Director of the penitentiary, impose protective supervision upon the convicted prior to the termination of the serving of their prison sentence, even without the fulfilment of the conditions referred to in Subsection 2 if, given their previous conduct during the serving of the prison sentence, they still cannot be expected to lead an orderly life after release from the serving of sentence.

(4) Protective supervision cannot be imposed upon a juvenile and a convicted person who was imposed a life prison sentence.

#### Section 77

(1) The convicted person whom the court has sentenced is obliged to appear within two working days after being released from the custodial sentence before a probation and mediation officer of the district court in whose jurisdiction he/she resides, under the imposed probation

a) to report the necessary information on the method and resources of their livelihood and also demonstrate them,

b) to appear in person within the determined deadlines and

c) to report in advance leaving the place of residence; this does not apply in the case of regular repeated leaving about which the probation and mediation officer has been informed in advance.

(2) The court may also impose further restrictions or obligations referred to in Section 51 Subsection 3 and 4 upon the convicted person upon whom protective supervision was imposed.

(3) The convicted upon whom further restrictions or obligations were imposed by the court under Subsection 2 is obliged to undergo inspection by technical means if such inspection is ordered. Inspection by technical means may be ordered if the conditions under a special regulation are met.

#### Section 78

(1) Protective supervision shall be imposed for one to three years.

(2) If protective supervision is being repeatedly imposed, prior to the execution of the protective supervision that was previously imposed, the period for which it is repeatedly imposed may not, along with the not yet executed remaining term of the protective supervision that was previously imposed, exceed five years.

#### Section 79

Protective supervision expires

a) upon the expiry of the period for which it was imposed, or

b) on the day on which the decision that the conditionally released has proven themselves competent entered into validity.

#### Section 80

The court may waive the remaining term of the protective supervision if it does not consider its further execution necessary.

### **Detention**

#### Section 81

(1) If the convicted, whilst serving a prison sentence, is diagnosed with a mental illness which according to expert medical opinion is incurable and their remaining at liberty is dangerous for society, even when taking into account the committed criminal offence, the court shall, upon the petition of the public prosecutor or the Director of the penitentiary, suspend the serving of the prison sentence and order their placement in a detention institution.

(2) Prior to the completion of the serving of a prison sentence, the court may even decide on the placement of such offender of an intentional criminal offence into a detention institution who refuses to undergo protective treatment or for whom protective treatment does not serve its purpose due to their negative attitude, and whose remaining at liberty is dangerous for society; the offender shall be placed in a detention institution after serving the prison sentence.

(3) If the court deems it necessary it may, before the completion of the serving of a prison sentence, decide on the placement of an offender of a crime with a sexual motive or an offender who repeatedly commits a particularly serious crime in a detention institution; the offender shall be placed in a detention institution after serving the prison sentence.

(4) The court may, based on expert medical opinion, also decide on placing an offender into a detention institution if an offender whose remaining at liberty is dangerous is undergoing protective treatment in an institutional medical facility and threatens the life or health of other persons by their behaviour; the court shall decide upon the petition of the institutional medical facility.

#### Section 82

(1) The purpose of placing an offender in a detention institution is to prevent the offender in committing further criminal offences and acts otherwise criminal through a particular treatment regime and consistent isolation from society.

(2) The offender shall be held in a detention institution until the protection of society against the offender can be ensured through lenient means.

(3) At least once a year and always upon the petition of the detention institution, the court shall examine the merits of further detaining the offender in the detention institution and, based on expert medical opinion, it shall decide on the further continuation of the detention or on the release of the offender from the detention institution if the reasons for the detention no longer exist, and they shall decide on further enforcement of the punishment.

#### Section 83

##### **Confiscation of Items**

(1) If the punishment of the forfeiture of items referred to in Section 60 Subsection 1 was not imposed, the court shall impose the confiscation of items if

- a) it belongs to a person who may not be prosecuted or convicted,
- b) it belongs to an offender whose punishment the court waived or to an offender against whom criminal prosecution was terminated or to an offender against whom criminal prosecution was conditionally suspended or to an offender against whom criminal prosecution was terminated due to the approval of a settlement,
- c) it does not belong to the offender and was obtained by a criminal offence or as remuneration for a criminal offence,
- d) the item was acquired by a person other than the offender, even only in part, for an item that was acquired by a criminal offence or as remuneration for a criminal offence,
- e) it is in regard to goods without control stamps or without other technical control measures required by generally binding legal regulations for its identification for tax purposes,
- f) the circumstances of the case justify the assumption that the matter could be a source of financing terrorism, or
- g) the safety of persons or assets, or another similar public interest requires it.

(2) The State becomes the owner of the confiscated item, unless the court decides otherwise, based on a declared international treaty by which the Slovak Republic is bound.

(3) The provisions of Subsection 1 shall not apply, if

- a) the victim incurred an entitlement to damages, the satisfaction of which would be obstructed by the confiscation of items, or
- b) the value of the items is clearly disproportionate to the gravity of the offence.

(4) If an item referred to in Subsection 1 is unattainable or unidentifiable, or is merged with the offender's assets or with the assets of another person obtained in compliance with the law, the court may impose the confiscation of an item with a value that corresponds to the value of such item.

#### Section 83a

**Repealed from 1 July 2016**

#### Section 83b

**Repealed from 1 July 2016**

### CHAPTER THREE

## EXPIRY OF CRIMINAL LIABILITY AND PUNISHMENT

#### Section 84

##### **Amendment of the Law**

The criminal liability of an act, which at the time of its commission had the characteristics of any of the criminal offences listed in a separate part of this Act, shall expire if a later law stipulates that such act is not a criminal offence.

##### **Effective Remorse**

#### Section 85

The criminal liability of the criminal offences of spread of dangerous contagious human diseases under Section 163, endangering health by defective foodstuff and other objects under Section 168, hostage-taking under Section 185, money

laundering under Section 233 and 234, violation of obligations of trust under Section 238, violation of regulations on the circulation of goods in foreign relations under Section 254, violation of regulations on the handling of controlled goods and technology under Section 255, 256 and 257, endangering of foreign exchange economy under Section 258, misrepresentation of data of economic and commercial records under Section 260, damage to the financial interests of the European Union under Section 263, endangering of trade, banking, postal, telecommunications and tax secrets under Section 264, general threats under Section 284, damaging and endangering the operation of a generally beneficial device under Section 286, damage and endangering of the environment under Section 300 and 301, treason under Section 311, plotting against the Slovak Republic under Section 312, terror under Section 313 and 314, wrecking activities under Section 315 and 316, sabotage under Section 317, espionage under Section 318, compromising classified information under Section 319 and 320, endangering confidential and classified information under Section 353, insurrection of prisoners under Section 358, spread of alarming news under Section 361 and 362, genocide under Section 418, a terrorist attack under Section 419, certain forms of participation in terrorism under Section 419b, terrorist financing under Section 419c and travel for the purpose of terrorism under Section 419d, attacks against humanity under Section 425 and the use of prohibited means of combat and clandestine warfare under Section 426 shall expire, if the offender voluntarily

a) prevented or corrected the damaging effects of the criminal offence, or

b) made a report on the criminal offence at a time when the damaging consequences of the criminal offence could still be prevented; the report must be made to the law enforcement authorities or Police force; soldiers may also make such report to their superior or professional body and a person serving a prison sentence or in custody may also report to a member of the Corps of Prison and Court Guard.

#### Section 86

(1) The criminal liability of a criminal offence expires even if it is a criminal offence of

a) negligence of alimony under Section 207, if the criminal offence had no permanently adverse consequences and the offender subsequently fulfilled their obligations before the court adjourned for final deliberation,

b) non-payment of wages and severance pay under Section 214, if the criminal offence had no permanent adverse consequences and the offender subsequently fulfilled their obligation within 60 days from the completion of the criminal offence,

c) abuse of participation in tenders under Section 250, if the offender's conduct facilitated an entrepreneur or another legal entity to fulfil conditions for the non-imposition or reduction of fines under the law governing the protection of tender,

d) a reduction of tax and insurance under Section 276, tax and insurance evasion under Section 277 or a failure to pay tax and insurance under Section 278, if the offender did not commit a criminal offence as a member of an organised group or as a member of a criminal group and if due tax and its accessions or insurance were subsequently paid no later than on the day following the day when the offender could be acquainted with the results of the investigation after the completion of their investigation,

e) establishment, plotting and supporting a criminal group under Section 296 or establishment, plotting and supporting a terrorist group under Section 297, if the offender voluntarily reported the criminal group or terrorist group to a law enforcement authority or the Police Force at a time when the risk that was imminent from their further activity could still be removed; a soldier may report it to their superior or service authority and a person serving a prison sentence or in custody may also report it to a member of the Corps of Prison and Court Guard,

f) bribery under Section 332 or 333 and indirect corruption under Section 336 Subsection 2, if the offender provided or promised a bribe only because they were asked to do so and they made a voluntarily report to a law enforcement authority or the Police force without undue delay; a soldier may report it to their superior or service authority and a person serving a prison sentence or in custody may also report it to a member of the Corps of Prison and Court Guard.

(2) The criminal liability of a criminal offence under Subsection 1 Paragraph d) shall not expire if the offender concerned was convicted of a similar act in the preceding twenty four months, or if the criminal prosecution of the offender for a similar act was terminated in the preceding twenty four months due to the expiry of criminal liability for the criminal offence under Subsection 1.

#### Limitation of the Criminal Prosecution

#### Section 87

(1) The criminal liability of an act expires upon the expiry of the limitation period, which is

a) thirty years, if it is a crime for which this Act allows the imposition of a life prison sentence,

b) twenty years if it is a crime for which the separate part of this Act allows the imposition of a prison sentence with an upper limit of the criminal penalty of at least ten years,

c) ten years in the case of other crimes,

d) five years if it is an offence for which the separate part of this Act allows the imposition of a prison sentence with an upper limit of the criminal penalty of at least three years,

e) three years for other offences.

(2) The limitation period does not include

- a) the period during which it was not possible to bring the offender before the court due to a legal obstacle,
- b) the period during which the offender sojourns abroad with the intention of avoiding criminal prosecution,
- c) the probational period of a conditional suspension of the criminal prosecution,
- d) the period during which the charges were temporarily deferred, or
- e) the period during which the criminal prosecution was suspended.

(3) Limitation of the criminal prosecution shall be suspended

- a) by raising the charges for a criminal offence, which is subject to limitations, and by the subsequent actions of a law enforcement authority, judge for the preliminary proceeding or the court pointing to the criminal prosecution of the offender, or
- b) if the offender committed an intentional criminal offence during the limitation period.

(4) The new limitation period begins by the suspension of the initial limitation.

(5) Criminal prosecution shall become statute-barred no earlier than fifteen years after the person against whom a criminal offence of the illegal removal of organs, tissues and cells and illegal sterilisation under Section 159 Subsection 2, of human trafficking under Section 179, a criminal offence of rape under Section 199, a criminal offence of sexual violence under Section 200, a criminal offence of sexual abuse under Section 201 through 202, a criminal offence of maltreatment of a close and entrusted person under Section 208 and a criminal offence of production of child pornography under Section 368 was committed, reached the age of eighteen.

#### Section 88

Upon the expiry of the limitation period the criminal liability of the criminal offences referred to in Chapter Twelve in the separate part of this Act does not expire, except for the criminal offence of establishment, support and promotion of movements directed at the suppression of fundamental rights and freedoms under Section 421, the criminal offence of expression of sympathy for movements directed at the suppression of fundamental rights and freedoms under Section 422, the criminal offence of production of extremist material under Section 422a, the criminal offence of distribution of extremist material under Section 422b, the criminal offence of possession of extremist material under Section 422c, the criminal offence of denial or approval of the hobocaust, the crimes of political regimes and the crimes against humanity under Section 422d, the criminal offence of defamation of a nation, race and conviction under Section 423 and the criminal offence of incitement to national, racial and ethnic hatred under Section 424.

#### Section 89

#### Clemency

(1) The punishment shall not be executed if the President of the Slovak Republic pardons the convicted by exercising their right to grant pardon. However, this does not apply to other punishments if they were imposed upon the offender in parallel and they are not covered by the decision of the President of the Slovak Republic.

(2) If the President of the Slovak Republic reduced the punishment of the offender by exercising their right to reduce punishments, the reduced punishment shall be enforced. However, this does not apply to other punishments if they were imposed upon the offender in parallel and are not covered by the decision of the President of the Slovak Republic.

#### Limitation of the Execution of Punishment

#### Section 90

(1) The imposed punishment may not be enforced after the expiry of the limitation period, which is

- a) twenty years if it is a conviction of a life prison sentence,
- b) fifteen years if it is a conviction of a prison sentence exceeding ten years,
- c) ten years if it is a conviction of a prison sentence of at least five years,
- d) five years in convictions of other punishments.

(2) The limitation period begins upon the validity of the judgment; in a conditional conviction, conditional conviction with supervision, conditional release or conditional release with supervision, the limitation period starts with the validity of the decision that the punishment shall be enforced.

(3) The limitation period shall not include the period during which the punishment could not be enforced because the convicted sojourned abroad with the intent to avoid the punishment, or they were serving punishment by prison sentence during it.

(4) Limitation of the execution of the punishment shall be suspended if

- a) the court ordered a measure directed toward the serving of the punishment, which the limitation refers to, or
- b) the convicted committed an intentional criminal offence during the limitation period.

(5) The new limitation period begins by the suspension of the initial limitation.

#### Section 91

The execution of the punishment imposed for the criminal offences referred to in Chapter Twelve in the separate part of this Act shall not be statute-barred, except for the criminal offence of establishment, support and promotion of movements directed at the suppression of fundamental rights and freedoms under Section 421, the criminal offence of expression of sympathy for movements directed at the suppression of fundamental rights and freedoms under Section 422, the criminal offence of production of extremist material under Section 422a, the criminal offence of distribution of extremist material under Section 422b, the criminal offence of possession of extremist material under Section 422c, the criminal offence of denial or approval of the holocaust, the crimes of political regimes and the crimes against humanity under Section 422d, the criminal offence of defamation of a nation, race and conviction under Section 423 and the criminal offence of incitement to national, racial and ethnic hatred under Section 424.

### **Effacement of the Conviction**

#### Section 92

(1) The court may efface the conviction, if after the execution or pardon of the punishment or after the limitation of its enforcement, the convicted leads an orderly life continuously for at least

- a) ten years if it is a conviction of a prison sentence exceeding five years,
- b) five years if it is a conviction of a prison sentence exceeding one year,
- c) three years if it is a conviction of a prison sentence not exceeding one year.

(2) If it is about the conviction to the punishments referred to in Section 32 Paragraph b) through l) the effacement occurs by their execution.

(3) The court may efface the conviction upon the request of the convicted even before the expiry of the period referred to in Subsection 1, if the convicted proves themselves to be reformed by their good conduct after the execution or pardon of the punishment or its limitation.

(4) The period referred to in Subsection 1 is, in the case of the conditionally released and conditionally released with supervision, believed that the punishment was executed on the day when the convicted was conditionally released, and is governed by the term of the actual execution of the punishment. If the punishment was reduced by a decision of the President of the Slovak Republic, then it is governed by the reduced term of the punishment.

(5) The conviction is effaced if the President of the Slovak Republic exercises their right to efface the conviction in the form of a pardon or amnesty.

#### Section 93

(1) If the conviction was effaced, the offender is deemed to have not been convicted.

(2) If the offender was imposed several parallel punishments, the conviction cannot be effaced until the period for the effacement of the prison sentence under Section 92 Subsection 1 has expired, if it is imposed.

## CHAPTER FOUR

### SPECIAL PROVISIONS ON JUVENILE PROSECUTION

#### **Division I**

#### **Criminal Liability**

#### Section 94

#### **General Provisions**

(1) A person, who at the time of the commission of the criminal offence, is between fourteen and eighteen years of age is considered to be a juvenile.

(2) If this Chapter does not contain special provisions, other provisions of this Act shall apply to the juvenile.

#### Section 95

#### **Criminal Liability**

(1) A juvenile under the age of fifteen years who at the time of the commission of the act has not reached a level of

intellectual and moral maturity to be able to recognise the illegality of their conduct or exercise self restraint, shall not be criminally liable for such act.

(2) An offence, the characteristics of which are referred to in this Act, is not a criminal offence if it is committed by a juvenile and if it is of minor seriousness.

## **Division II**

### **Cessation of Criminal Liability**

#### Section 96

#### **Limitation of the Criminal Prosecution**

(1) The criminal liability of an act expires upon the expiry of the limitation period, which is

- a) ten years, if it is a criminal offence for which this Act provides a life prison sentence,
- b) five years, if the upper limit of the criminal penalty of the prison sentence is at least ten years,
- c) three years for other criminal offences.

(2) Where this Act provides for it, the criminal liability of these criminal offences does not cease upon the expiry of the limitation period.

## **Division III**

### **Imposition of Sanctions and Educational Measures on Juveniles**

#### Section 97

#### **Purpose of Sanctions and Educational Measures**

(1) The purpose of punishment in juveniles is primarily to educate them to be a proper citizen, and it should also serve to prevent illegal acts and adequately protect society; at the same time, the imposed punishment should lead to the restoration of disrupted social relations and the integration of the juvenile into the family and social environment.

(2) The purpose of protective and educational measures in juveniles is to positively affect the mental, moral and social development of the juvenile with regard to the achieved degree of their intellectual and moral development, their personal qualities, family upbringing and environment from which they originate, and thus to protect the juvenile against the harmful influences and society against the commission of criminal activity.

(3) When imposing punishments, protective or educational measures, it is important to take the personality of the juvenile, their age, intellectual and moral maturity, health, their personal, family and social circumstances into account while they must be proportionate to the nature and seriousness of the committed act, and they should lead to the integration of the juvenile into the family and social environment to prevent unlawful acts from being committed.

#### **Waiver of Punishment**

#### Section 98

The court may waive the punishment of the juvenile who committed an offence, regrets its commission, and expresses an effective attempt to reformation, if

- a) given the nature of the committed act and the juvenile's previous conduct, it may be reasonably expected that the hearing before the court itself is sufficient for their reformation, or
- b) the court accepts the guarantee for the reformation of the juvenile and it believes that, given the educational impact of those who offered the guarantee, the nature of the committed act, and the person of the juvenile, the imposition of punishment is not necessary.

#### Section 99

The court may waive the punishment of a juvenile for an offence, even if

- a) the juvenile committed an act in a state that was caused by mental illness, and the court believes the simultaneously imposed protective treatment shall ensure the reformation of the juvenile more effectively than a punishment, or
- b) there is a protective or educational measure being executed against the juvenile and it is not necessary to impose a punishment to achieve the purpose of the law.

#### Section 100

If the court waived the punishment, the juvenile is deemed not to have been convicted.

## Section 101

### Conditional Waiver of Punishment

(1) Under the conditions referred to in Section 98, the court may conditionally waive the punishment of the juvenile, if it deems it necessary to monitor the behaviour of the juvenile during a specified period.

(2) In the case of the conditional waiver of punishment, the court shall determine a probational period of up to one year. At the same time, it may impose reasonable restrictions and obligations referred to in Section 51 Subsection 3 and 4 upon a juvenile, with the aim of encouraging them to lead an orderly life; it usually imposes them to cover the damages caused in accordance with their abilities.

(3) The court may, given the circumstances of the case and the personality of the juvenile, leave the conditional waiver of punishment in validity, even though the juvenile gave cause for the imposition of a punishment, and

- a) to provide probational supervision over the juvenile, unless it has already been imposed,
- b) to adequately extend the probational period, but not for more than one year, or
- c) to provide educational measures with the aim of encouraging them to lead an orderly life.

(4) If a juvenile, whose punishment was conditionally waived, leads an orderly life during the probational period and observed the imposed conditions, the court shall pronounce that they have proven themselves competent; otherwise it shall decide, even during the probational period, on the imposition of the punishment.

(5) If the court fails to make a decision under Subsection 4 within a year after the expiry of the probational period without it being the fault of the juvenile, it is considered that they have proven themselves competent.

(6) If it was pronounced that the juvenile, whose punishment was conditionally waived, has proven themselves competent or if it is considered that they have proven themselves competent, they are deemed to have not been convicted.

## Division IV

### Protective Education

#### Section 102

#### Reasons for the Imposition of Protective Education

(1) If the court convicts a juvenile, it may impose protective education on them, if

- a) the education of the juvenile is not properly ensured and this deficiency cannot be eliminated in the family with which they live,
- b) the past education of the juvenile was neglected, or
- c) the environment in which the juvenile lives does not guarantee their proper education.

(2) Protective education cannot be imposed upon a member of the armed forces.

#### Section 103

### Execution of Protective Education

(1) Protective education shall be executed in a special educational facility (hereinafter referred to as "protective institutional education") or it may also be executed in a professional foster family (hereinafter referred to as "foster family care"); however if the health of the juvenile so requires, it is preferably executed in a medical facility.

(2) Protective education shall last as long as required, but no longer than until the juvenile reaches eighteen years of age; if it is in the interest of the juvenile, the court may extend it until they reach the age of nineteen.

(3) If protective education cannot be executed immediately, the court shall order supervision by probation and mediation officers until it begins.

(4) The court shall waive the execution of protective education if the circumstances for which it was imposed cease prior to its commencement.

(5) If the rehabilitation of the juvenile progresses to the extent that it can be expected that even without the restrictions to which they are subjected within the educational facility or in a foster family they will properly behave, but not all the circumstances for which the protective education was imposed expired, the court may conditionally waive the protective education or conditionally release the juvenile from the educational facility or the foster family. In doing so, it may impose supervision by a probation and mediation officer upon the juvenile or other educational measures.

(6) If the juvenile fails to fulfil the expectation that, without the restrictions to which they are subjected to within the specified protective education, they will properly behave, the court shall revoke the conditional waiver from the protective

education, the conditional release from the educational facility or the designated family, and shall order that the execution of protective education continues.

### **Amendment of the Method of Execution of Protective Education**

#### **Section 104**

(1) A protective institutional education may be amended to foster family care and vice versa at any time.

(2) If necessary, due to the purpose of the protective education, the natural person into whose foster family care the juvenile was entrusted may also be changed.

#### **Section 105**

If a person between the age of twelve and fourteen years committed any act for which this Act allows the imposition of a life prison sentence, the court shall impose protective education upon the petition of the public prosecutor in the civil proceeding upon the person; the court may do so even when it is necessary to ensure the proper education of a person younger than fourteen years who committed an act that would otherwise be a criminal offence or a person younger than fifteen years who committed a criminal offence of sexual abuse under Section 201.

### **Division V**

#### **Educational Measures**

#### **Section 106**

##### **Types of Educational Measures and their Imposition**

(1) In a conditional waiver from punishment or in a preliminary proceeding, educational measures may be imposed upon a juvenile to achieve the purposes of the Act.

(2) Educational measures are:

- a) educational obligations and restrictions,
- b) reprimand with warning.

(3) Educational measures may be imposed by the court and, in the preliminary proceeding upon the consent of the person against whom the proceedings are held, also by the public prosecutor. A juvenile may withdraw their consent by a written declaration addressed to the public prosecutor at any time during the criminal prosecution until the end of the preliminary proceedings; the execution of the educational measures shall thus terminate.

(4) In the case that it is demonstrated that the complete or timely fulfilment of the educational measures is impossible for the juvenile or due to other serious reasons they cannot fulfil it or they fail to comply due to own fault, the court and, in the preliminary proceeding, the public prosecutor shall revoke or amend the imposed education measures.

#### **Section 107**

##### **Educational Obligations and Restrictions**

(1) The court and, in the preliminary proceedings, the public prosecutor may impose educational obligations and restrictions upon the juvenile, notably to

- a) undergo probation supervision executed by the probation and mediation officers,
- b) live with their parents or other adults who are responsible for their upbringing,
- c) try to settle with the victim,
- d) reimburse the damage caused by the committed criminal offence to their best efforts or to otherwise contribute to the elimination of the consequences of the criminal offence,
- e) perform a socially beneficial activity in their free time and free of charge,
- f) undergo treatment for a harmful addiction,
- g) undergo social training programmes, psychological counselling, psychotherapy, education, postgraduate, retraining or other appropriate programmes for the development of their social skills and personality in their free time, which is not part of the probational programme.

(2) The execution of a socially beneficial activity of a specific type can be imposed upon the juvenile but only if it does not interfere with their preparation for a future career, particularly the fulfilment of obligations associated with school education or their occupation or employment performance, while it may be a maximum of four hours a day, eighteen hours a week and in total not exceeding sixty hours.

Section 108

**Reprimand with Warning**

Through a reprimand with warning, the court and, in the preliminary proceeding, the public prosecutor may strongly admonish the juvenile in the presence of their legal guardian on the illegality of their act and warn them about the sanctions, which they are at risk of under this Act, should they commit any criminal activity in the future.

**Division VI**

**Punishments**

Section 109

**Types of Punishment**

The court may only impose upon the juvenile

- a) punishment of community service,
- b) a monetary penalty,
- c) forfeiture of items,
- d) punishment by disqualification,
- e) punishment by prohibition of attendance at public events
- f) punishment by deportation,
- g) punishment by house arrest,
- h) a prison sentence.

Section 110

**Imposition of Punishment**

(1) In the determination of the severity of punishment the court shall take into account, as a mitigating circumstance, how the juvenile fulfilled the imposed educational obligations and restrictions referred to in Section 107.

(2) If the court imposes a cumulative or multiple punishment upon an offender who committed criminal offences both before and after they reached the eighteen years of age, the court shall proceed according to Section 41 and 42, while the limits of the criminal penalties in the criminal offences committed before they reached eighteen years of age shall be assessed under Section 117.

Section 111

**Punishment by Community Service**

In the imposition of the punishment by community service, the upper limit of such punishment may not exceed half of the upper limit of the criminal penalty stipulated by law. Punishment by community service may not, given its nature or the circumstances under which it is executed, endanger the health, safety or moral development of the juvenile.

Section 112

**Punishment by Disqualification**

(1) The court may impose the punishment by disqualification only if it does not interfere with the juvenile's preparation for a future career, while the upper limit of such punishment may not exceed five years.

(2) If the court convicts a juvenile under the conditions of Section 61 Subsection 3, it shall impose on them punishment by disqualification in the upper half of the criminal penalty stated in Subsection 1.

(3) If the court convicts a juvenile under the conditions of Section 61 Subsection 4, it shall impose on them punishment by disqualification for seven to fifteen years.

(4) If the court convicts a juvenile under the conditions of Section 61 Subsection 5, it shall impose on them punishment by disqualification for seven to fifteen years.

Section 112a

**Punishment by Prohibition of Attendance at Public Events**

The court may impose a punishment by prohibition of attendance at public events upon a juvenile only under the conditions set out by this Act with a severity of up to five years.

#### Section 113

##### **Punishment by Deportation**

The court may impose the punishment by deportation upon the juvenile only under the conditions set out in this Act namely of the severity for a period of one to five years. At the same time, it shall also take into account the family and personal circumstances of the juvenile, bearing in mind that this punishment does not put them in danger of debauchery.

#### Section 114

##### **Monetary Penalty**

(1) The court may impose a monetary penalty of the severity from EUR 30 to EUR 16,590 under the fulfilment of the conditions set out in this Act, if the juvenile is employed or their financial circumstances allow the imposition of this penalty.

(2) If the court imposes a monetary penalty upon the juvenile it shall determine, in the event that its execution was intentionally obstructed within the determined period, a replacement punishment by a prison sentence of up to one year. However, the replacement punishment by a prison sentence and the already imposed prison sentence may not exceed the upper limit of the criminal penalty reduced under Section 117 Subsection 1.

(3) After the validity of the decision by which the monetary penalty was imposed upon the juvenile, the court may decide, after the statement of the juvenile, that its payment or non-executed remaining part shall be replaced by the execution of a socially beneficial activity within the probation programme by the convicted juvenile.

#### Section 115

##### **Conditional Deferral of the Execution of the Monetary Penalty**

(1) The court may conditionally defer the execution of the monetary penalty if

a) in respect of the personality of the juvenile, especially with regard to their previous conduct and the environment in which they live and work, and the circumstances of the case, it is considered that the purpose of the punishment may also be achieved without its execution, or

b) it accepts a guarantee for the reformation of the juvenile and, given the educational impact of those who offered the guarantee; it is considered that the purpose of the punishment may also be achieved without its execution.

(2) The authorisation for the conditional deferral of the monetary penalty shall not concern other punishments imposed in addition to the monetary penalty, unless the court decides otherwise.

#### Section 116

##### **Probational Period**

(1) During the conditional deferral of the execution of the monetary penalty, the court shall determine a probational period of up to three years. At the same time, it may impose reasonable restrictions and obligations referred to in Section 51 Subsection 3 and 4 upon the juvenile, with the aim of encouraging them to lead an ordinary life as well as the obligation to undergo inspection by technical means if such inspection is ordered; the probational period begins the day following the entry of the judgment into validity. Inspection by technical means may be ordered if the conditions under a special regulation are met.

(2) The period during which the conditionally convicted leads an orderly life and observed the imposed conditions in the probational period shall be counted in the newly determined probational period in the conditional conviction for the same act or in the probational period determined in the imposition of the cumulative or multiple punishment.

(3) The provisions on the conditional conviction shall be applied to the decision on the competency of the juvenile during the probational period.

#### Section 116a

##### **Punishment by House Arrest**

(1) Punishment by house arrest may be imposed by the court upon a juvenile for up to one year if the conditions set out by this Act are met and the statutory representative of the juvenile grants consent thereto.

(2) During the term of the execution of punishment by house arrest, the court may impose on the juvenile the educational measure referred to in Section 107 Subsection 1, with the aim of encouraging them to lead an orderly life.

#### Section 117

##### **Prison Sentence**

(1) The criminal penalties of prison sentence set out in this Act shall be reduced by half for juveniles; the upper limit of the reduced criminal penalty may not exceed seven years and the lower limit of the reduced criminal penalty two years.

(2) The court may impose an unconditional punishment by a prison sentence upon a juvenile only under the condition that given the circumstances of the case, the personality of the juvenile and the previously imposed measures, the imposition of another punishment would clearly not lead to the achievement of the purpose of the punishment under this Act.

(3) In the event the juvenile committed a particularly serious crime and the extent of the severity of such a particularly serious crime for society is exceptionally high due to the condemnable method of commission or condemnable motives or due to the severe and irreversible consequences, the court may impose a prison sentence from seven to fifteen years if it considers that the punishment referred to in Subsection 1 is not sufficient to achieve its purpose.

(4) Persons under eighteen years of age shall serve prison sentence in a juvenile correctional facility.

(5) The court may decide that the punishment in a juvenile correctional facility shall be enforced even in juveniles who have reached the age of eighteen; simultaneously, it shall take into consideration, in particular, the length of the punishment and the degree and nature of the disturbance of the juvenile.

#### Section 118

##### **Special Reduction of the Prison Sentence**

(1) If the court finds that the fulfilment of the conditions referred to in Section 39 Subsection 1 or 2 for the special reduction of the prison sentence was satisfied below the lower limit of the criminal penalty, it shall not be bound by the restrictions under Section 39 Subsection 3 with juveniles.

(2) The provisions of Subsection 1 shall not apply if it is a criminal offence for which it is possible to impose a life prison sentence under this Act.

#### Section 119

##### **Conditional Deferral of the Enforcement of the Punishment and the Conditional Deferral of the Enforcement of the Punishment with Probational Supervision**

(1) If the court conditionally defers the serving of a prison sentence of a juvenile for a probational period, or it conditionally defers the prison sentence for a probational period with probational supervision, it shall also determine the probational period of one to three years. The juvenile is obliged to undergo inspection by technical means if such inspection is ordered. Inspection by technical means may be ordered if the conditions under a special regulation are met.

(2) Given the circumstances of the case and the personality of the juvenile, the court may leave the conditional deferral of the enforcement of the punishment or the conditional deferral of the enforcement of the punishment with probational supervision in validity, despite the fact the juvenile causes the order of the serving of the prison sentence, and

- a) determine the probational supervision over the juvenile, unless it has already been imposed,
- b) reasonably extend the probational period, but not by more than two years, while it shall not exceed the upper limit of the probational period of five years,
- c) impose additional educational measures referred to in Section 106 Subsection 2, with the aim of encouraging them to lead an orderly life,
- d) order an inspection of the imposed educational restrictions or obligations by technical means if the conditions under a special regulation are met and if such inspection has not yet been ordered

#### Section 120

##### **Limitation of the Execution of Punishment**

(1) The imposed punishment may not be enforced after the expiry of the limitation period, which is

- a) ten years, if the prison sentence was imposed under Section 117 Subsection 3, or
- b) three years for other criminal offences.

(2) The execution of the punishment imposed for the criminal offences referred to in Chapter Twelve in the separate part of this Act shall not be statute-barred even for a juvenile, except for the criminal offence of establishment, support and promotion of movements directed at the suppression of fundamental rights and freedoms under Section 421, the criminal offence of expression of sympathy for movements directed at the suppression of fundamental rights and freedoms under Section 422, the criminal offence of production of extremist material under Section 422a, the criminal offence of distribution of extremist material under Section 422b, the criminal offence of possession of extremist material under Section 422c, the criminal offence of denial or approval of the holocaust, the crimes of political regimes and the crimes against humanity under Section 422d, the criminal offence of defamation of a nation, race and conviction under Section 423 and the criminal offence of incitement to national, racial and ethnic hatred under Section 424.

#### Section 121

##### **Effacement of the Conviction**

(1) The juvenile, upon whom the prison sentence not exceeding one year was imposed or reduced or pardoned by the decision of the President of the Slovak Republic, shall be deemed as if they have not been convicted on the day of the enforcement of this punishment or on the day when such a punishment or its remaining term was finally waived.

(2) Whether the conviction of a juvenile to a prison sentence, for which Subsection 1 does not apply, shall be effaced shall be decided by the court, taking into account the juvenile's conduct while serving a prison sentence and after the serving of such punishment. If the punishment was reduced upon the decision of the President of the Slovak Republic, the court shall proceed in such a manner after the juvenile was released after the serving of the reduced punishment.

(3) If the court pronounced that the juvenile, who was conditionally convicted to a prison sentence, conditionally convicted to a prison sentence with probational supervision or conditionally released from serving a prison sentence, has proven themselves competent, they shall be deemed to not have been convicted.

(4) The juvenile, upon whom a monetary penalty was imposed, shall be deemed to not have been convicted as soon as the punishment was served or the punishment or its remaining term was finally waived.

(5) The juvenile, upon whom a punishment by forfeiture of items was imposed, shall be deemed to not have been convicted as soon as the punishment was executed.

(6) The juvenile, upon whom a punishment by community service or punishment by disqualification was imposed, shall be deemed to not have been convicted as soon as the punishment was executed or the punishment or its remaining term was finally waived.

(7) A juvenile, upon whom punishment by deportation was imposed, shall be deemed not to have been convicted as soon as the period for which the punishment was imposed expired, provided the punishment was duly executed.

(8) A juvenile upon whom punishment by prohibition of attendance at public events was imposed shall be deemed to not have been convicted as soon as the punishment is executed.

## CHAPTER FIVE

### INTERPRETATION OF TERMS

#### Division I

#### General Terms

#### Section 122

#### **Criminal Offence and Methods of its Commission**

(1) Conduct shall also mean the omission of such conduct to which the offender was, under the circumstances and their personal circumstances, obligated.

(2) A criminal offence is committed publicly, if it is committed

a) by the content of a printed document or distribution of a file, film, radio, television, use of a computer network, or by other similarly effective methods, or

b) in the presence of more than two persons.

(3) A criminal offence is committed with a weapon if the offender or, with their knowledge, any of their accomplices used a weapon for an attack, to overcome or prevent resistance or if they have it in their possession for such purpose; a weapon means, unless individual provisions stipulate otherwise, any item which may be used for a stronger attack against a person's body. A criminal offence is committed with a weapon even if the offender uses a replica weapon or they have it in their possession intending to deceive others into believing it to be genuine.

(4) A criminal offence is committed by burglary if the offender entered into premises by illegally overcoming the lock or by overcoming other security barriers through the use of force or deceit.

(5) A criminal offence is committed in a dwelling if it is committed in the house or apartment of another person or in other premises intended for residency, including premises and land belonging to them, if they are enclosed parts of the dwelling.

(6) A criminal offence is committed by deception if it was committed with the exploitation of an error that the offender caused or through the use of a trick.

(7) A criminal offence is committed by force if for its commission the offender used physical violence against the physical integrity of another person or when it is committed on a person whom the offender rendered in a state of vulnerability through deceit, or when the offender used violence against an item of another person.

(8) A criminal offence is committed with the use of coercion when the offender uses psychological violence against another person for its commission.

(9) A criminal offence is committed repeatedly if the offender gradually committed more of the same criminal offences through repeated separate acts, between which there is no objective or subjective relationship and the criminal liability of each

shall be assessed individually.

(10) A continued criminal offence is considered to be committed continuously if the offender has continued to commit the same criminal offence. The criminal liability of all the partial attacks is considered as one criminal offence, if all partial attacks of the same offender are connected by an objective correlation in time, the method of their commission and in the object of the attack, as well as the subjective relationship and, particularly, the unifying motive of the offender to commit the criminal offence.

(11) A criminal offence is considered as a mass criminal offence if it is committed through a series of acts, which individually do not constitute a criminal offence. The criminal liability of all such acts shall be assessed together.

(12) The perpetual criminal offence means the development and maintenance, or only maintenance, of an illegal situation.

(13) If the accused continues the conduct for which they are prosecuted, even after the notification of charges, such conduct shall be considered from such procedural action as a new act; this does not apply if it is a criminal offence of negligence of alimony under Section 207. In this case, the proceedings are pending until the time when the judgment of the court of the first instance is declared or until the court of the second instance adjourns for the final deliberation.

(14) A criminal offence is committed in connection with attendance at a public event if it is committed by a person attending a public event at the time and in the place of the public event or in its surroundings, or in another place when moving to or from the place of the public event, including by means of transport or the operation of services. A public event shall mean a public assembly, cultural, sporting or any other event open to the public.

## Section 123

### **Bodily Harm**

(1) For the purposes of this Act, bodily harm means any bodily harm of another person.

(2) For the purposes of this Act an attack means such harm to another person's health, which objectively required medical examination, attention or treatment during which the normal life of the victim was not damaged only for a short period of time.

(3) For the purposes of this Act, grievous bodily harm shall mean only serious bodily harm or a serious illness, which is

- a) mutilation,
- b) loss or significant reduction of working capacity,
- c) limb paralysis,
- d) loss or significant weakening of the functions of sensory organs,
- e) damage to important organs,
- f) disfigurement,
- g) incurrance of abortion or killing of the foetus,
- h) excruciating suffering, or
- i) long-term health disorder.

(4) For the purposes of this Act, a long-term health disorder means a disorder which objectively requires treatment or possibly involves the incapacity to work of at least forty-two calendar days during which the life of the victim was seriously affected.

### **Damage**

## Section 124

(1) For the purposes of this Act, damage means damage to assets or real loss of assets or the rights of the victim or another damage, which is causally related to a criminal offence, regardless of whether it is damage to items or rights. For the purposes of this Act, damage also means the obtaining of benefit causally related to a criminal offence.

(2) In terms of Subsection 1, damage also means damage to profit, to which the victim would otherwise, given the circumstances and their personal circumstances, have been entitled or which could have reasonably been achieved.

(3) In criminal offences against the environment, damage shall mean combined ecological damage and assets damage while assets damage also includes the costs of restoring the environment to its original state. In the case of a criminal offence of an unauthorised waste management under Section 302 the extent of the act means the price at which the waste, at the time and place of the discovery of the act is typically collected, transported, exported, imported, recovered, disposed of or stored, and the costs for removing waste from the site that is not designated for its storage.

## Section 125

(1) Minor damage means damage in excess of EUR 266. Larger damage means an amount reaching at least ten times such amount. Significant damage means an amount reaching at least hundred times such amount. Damage of a large extent means an amount reaching at least five hundred times such amount. These considerations shall apply equally to the determination of the amount of the benefit, value of items, and the extent of the act.

(2) Where the separate part of this Act requires the cause of assets damage as an assets consequence of the criminal offence within the basic merit and does not specify its amount, it is considered that it is at least a minor damage that is caused.

## Section 126

(1) Determination of the amount of damage is based on the price for which the damaged item is usually sold at the time and place of the act. If the amount of damage cannot be thus determined, it shall be determined on the basis of the cost to procure the same or a similar item or to restore the items to their original condition.

(2) If it is environmental damage, damage caused to protected species of fauna and flora or trees or damage to listed historical monuments, or items having historical, artistic or scientific value, the determination of the amount of damage shall also be based on the value determined by law or other generally binding legal regulations issued under the law.

(3) Where it is not possible to determine the amount of damage by any of the methods referred to in Subsection 1 and 2, or if there are serious doubts about the accuracy of the amount of damage, the amount shall be determined on the basis of a professional opinion or the confirmation of a legal entity whose competency or the subject matter of their activities provide a guarantee of objectivity in determining the damage; otherwise, the amount of damage shall be determined on the basis of an expert opinion.

## Person

### Section 127

(1) A child shall mean a person below the age of eighteen, unless this Act stipulates otherwise.

(2) A person close to the age of a juvenile means a person who has reached eighteen years of age and has not exceeded twenty-one years of age.

(3) For the purposes of this Act, an elder person means a person older than sixty years.

(4) For the purposes of this Act, a close person means a direct relative, adoptive parent, adopted child, sibling and spouse; other persons in a family or a similar relationship are considered mutually close persons only if the harm caused to one of them is reasonably felt by the other person as their own.

(5) A close person means for the purposes of the criminal offence of blackmail under Section 189, rape under Section 199 Subsection 2, sexual violence under Section 200 Subsection 2, sexual abuse under Section 201 Subsection 2, maltreatment of a close person and entrusted person under Section 208, dangerous threats under Section 360 Subsection 2, Stalking under Section 360a or terrorist financing under Section 419c Subsection 2 the former husband, spouse, former spouse, parent of the same child and a person who is in relation to the person close to them under Subsection 4, as well as the person who lives with the offender or lived in the same household.

(6) For the purposes of this Act, an ill person means a person who at the time of the act suffers from a physical or mental illness, even if temporary, regardless of whether they are temporarily incapacitated, as well as a person with disabilities, a disabled person or a person with severe health disabilities, while the intensity of such illness or disability corresponds to grievous bodily harm.

(7) For the purposes of this Act, a defenceless person is a person who, because of their age, health, circumstances of the act, or the circumstances of the offender, had no chance to effectively defend themselves against the attack.

(8) For the purposes of this Act, a person entrusted into care or supervision means a person who, because of their age or health or for another reason, has been entrusted to another person based on the decision of the court or another public authority, or on the basis of a contract, to supervise them, take care of them, feed them and raise them in their home or in a facility designated for such purpose.

(9) For the purposes of this Act, a dependant person means a person who is dependent on the offender for their nutrition, education, material or other care or welfare.

(10) An addicted person means a person addicted to drugs or other addictive harmful activities.

(11) A subordinate person is a person who, due to their position, is personally, workwise, servicewise or otherwise in their position, status, rank or function subordinate to the offender and consequently is obliged to accept and carry out their instructions, commands or orders.

(12) For the purposes of this Act, several persons mean at least three persons.

## Section 128

(1) For the purposes of this Act, public official shall mean the President of the Slovak Republic, a member of the National Council of Slovak Republic, a member of the European Parliament, a member of the Government, a judge of the Constitutional Court of the Slovak Republic, a judge, public prosecutor or other person occupying a public authority position, a member of the armed forces, a person in service employment, the mayor, chairman of the higher territorial unit, a member of the body of local government, civil servant or an employee of a public administration authority, local government or another public authority, a person who exercises power within a legal entity that the law confers jurisdiction in the area of public administration, a notary, a bailiff, a member of the forest guard, water guard, fishing guard, hunting guard, nature guard or a person who has the authority of a member of the nature guard, if involved in the fulfilment of the tasks of society and the State and uses a power that was entrusted to them within the responsibility to fulfil these tasks. For the criminal liability and the protection of public officials under various provisions of this Act it is required that the criminal offence was committed in connection with their authority and responsibility. Public officials shall also include a judge or an officer of an international judicial body recognised by the Slovak Republic or an officer or another responsible person of the law enforcement authority of another State, EU body or a body mutually established by EU Member States, who carry out acts of criminal proceedings of such State or body in the territory of the Slovak Republic; for the purpose of their protection, under the provisions of this Act it is required that these acts of criminal proceedings are carried out in accordance with an international treaty or with the consent of the authorities of the Slovak Republic.

(2) For the purposes of this Act, a foreign public official shall mean a person

a) holding an office in a legislative body, executive body, judicial or arbitration body or in another public administration authority of a foreign State, including the Head of State,

b) holding an office, employed or working in an international organisation or transnational organisation established by States or other entities of international public law in its body or institution, or authorised to act in their name,

c) holding an office, employed or working in an international judicial body, or authorised to act in its name, or

d) holding an office in a legal entity in which a controlling influence is exercised by a foreign State, if the execution of such office is associated with power in the management of public affairs and a criminal offence was committed in connection with this power or through utilization of the position of such person.

(3) For the purposes of this Act, a soldier shall mean

a) a person who performs military service,

b) a member of the armed forces of the sending State for criminal offences committed in the territory of the Slovak Republic to the extent referred to in an international treaty,

c) a member of the Police Force, Corps of Prison and Court Guard, National Security Office, Slovak Intelligence Service and an armed member of the financial administration,

d) a prisoner of war.

(4) When this Act refers to military service or military obligations, it shall mean the service or the obligation of persons referred to in Subsection 3 Paragraph c) only at a time of war or in a state of war.

(5) For the purposes of this Act, the affected person of the similar act shall mean a person who was imposed a sanction for a similar act or another measure for an offence or another similar delict.

(6) For the purposes of this Act, the convicted shall mean an offender who was found guilty by the final judgment. This does not apply if the conviction was effaced.

(7) A punished person shall mean a convicted person who either wholly or partly executed the court imposed punishment. This does not apply if the conviction was effaced.

(8) If this Act requires a special quality, ability or position of the offender for the commission of a criminal offence, the offender or an accomplice may only be a person who has the required quality, ability or position. An accessory to the criminal offence may be a person who does not have the required quality, ability or position. If the law stipulates that the offender must possess a special quality, ability or position, it is sufficient if such quality, ability or position is fulfilled by a legal entity on behalf of which the offender acts.

(9) The offender or accomplice to a military criminal offence under Chapter Eleven of the separate part of this Act may only be a soldier.

## Section 129

### **Group of Persons and Organisation**

(1) For the purposes of this Act, a group of persons shall mean at least three persons.

(2) For the purposes of this Act, an organised group shall mean an organisation of at least three persons for the purpose of the commission of a criminal offence, with a certain distribution of tasks between individual members of the group, the activities of which are therefore characterised by the planning and coordination, which increases the likelihood of the successful commission of a criminal offence.

(3) For the purposes of this Act, an extremist group means an organisation of at least three persons for the purpose of

committing a criminal offence of extremism.

(4) For the purposes of this Act, a criminal group shall mean a structured group of at least three persons, which exists during a certain period of time and acts in coordination with the objective of committing one or more crimes, the criminal offence of money laundering under Section 233 or any of the criminal offences of corruption under Chapter Eight, Division III of the separate part of this Act for the purpose of direct or indirect procurement of financial or other advantages.

(5) For the purposes of this Act, a terrorist group shall mean a group of at least three persons, which exists during a certain period of time for the purposes of committing any of the criminal offences of terrorism, and the activity of which is characterised by coordination; it does not have to have formally specified tasks of its members, any permanent members and a developed structure.

(6) The activities of the criminal group or terrorist group shall mean an intentional accessory to such group or another intentional conduct for the purpose of

- a) maintaining the existence of such a group, or
- b) the commission of criminal offences referred to in Subsection 4 or 5 by such group.

(7) Supporting of a criminal group or terrorist group shall mean an intentional act based on the provision of financial or other means, services, collaborations or creating other conditions for the purpose of

- a) establishing or maintaining the existence of such a group, or
- b) the commission of criminal offences referred to in Subsection 4 or 5 by such group.

#### **Item**

#### Section 130

(1) For the purposes of this Act, an item shall mean

- a) a movable item or immovable item, residential or non-residential premises, animal, unless the provisions of this Act indicate otherwise,
- b) controllable force of nature or energy,
- c) a security, regardless of its form,
- d) funds on an account,
- e) proceeds from a criminal activity as well as the profit, interest and other benefits arisen from such proceeds,
- f) a document that forms a basis for exercising a legal entitlement, or
- g) a proprietary right or another value appreciable in money.

(2) An item shall also be considered an intangible information, IT data or video recording on a technical medium.

(3) For the purposes of this Act, an entrusted item shall mean an item in another person's possession, which the offender is an authorised user of, based on a contract or based on the fulfilment of specific tasks according to its availability by the owner, with the obligation to use it only for the agreed purpose or return it to the owner under the agreed conditions.

(4) For the purposes of this Act, an appropriation of items shall mean the withdrawal of items from the possession of the owner or another person who legally has it in their possession, without consent, with the intention to manipulate it as their own item.

(5) For the purposes of this Act, an addictive substance shall mean alcohol, narcotics, psychotropic substances and other substances likely to adversely affect the human psyche and their control or distinguishing abilities, or social behaviour.

(6) For the purposes of this Act, means of public transport shall mean a vehicle capable of transporting at least nine persons.

(7) For the purposes of this Act, extremist material shall mean written, graphic, video, audio or audio-video works

- a) of texts and declarations, flags, badges, passwords, or symbols, groups and movements that lead or led in the past to the suppression of fundamental human rights and freedoms,
- b) of programmes or ideologies of groups and movements that lead or led in the past to the suppression of fundamental human rights and freedoms,
- c) advocating, promoting or inciting hatred, violence or unreasonable differential treatment of groups of persons or an individual because of their belonging to one race, nation, nationality, skin colour, ethnicity, origin, or their religion, if it is an excuse for the above reasons, or

d) justifying, approving, denying or seriously derogating genocide, crimes against peace, crimes against humanity or military crimes, if the offender or an accessory to such an act was convicted by a final judgment of an international court established under international public law, the authority of which is recognised by the Slovak Republic, or by a final judgment of a court of the Slovak Republic.

e) repealed from 1 January 2017.

(8) A material referred to in Subsection 7 shall not be deemed to be extremist material if it is demonstrably produced, distributed, put into circulation, made publicly accessible or kept in possession for the purpose of educational, collection or research activities.

#### Section 131

(1) For the purposes of this Act, a matter of general interest shall mean an interest that transcends the framework of the individual rights and interests of an individual, which is important in terms of the interests of society.

(2) For the purposes of this Act, waste management shall mean the collection, transport, export, import, recovery, treatment and disposal of waste.

(3) For the purposes of this Act, a bribe shall mean an item or other fulfilment of a material or non-material nature, for which there is no legal entitlement.

(4) For the purposes of this Act, a public document shall mean a document issued on the basis of the law by a public authority or another public authority within its power, which establishes, amends or repeals any rights or obligations or certifies their creation, modification or termination, or identifies persons or items, their status, qualities or capabilities or the interests protected by law.

#### Section 132

##### **Prostitution, Pornography and Child Pornographic Performance**

(1) For the purposes of this Act, prostitution shall mean the satisfaction of the sexual needs of another person through sexual intercourse, other means of sexual intercourse, or by other similar sexual contact with an adult person for a reward.

(2) For the purposes of this Act, child prostitution shall mean satisfaction of the sexual needs of another person through coitus, other forms of sexual intercourse or other similar sexual contact with a child for a reward or promise of a reward, notwithstanding whether the reward or promise of the reward is given to the child or to a third person.

(3) For the purposes of this Act, pornography shall mean a display of intercourse, other forms of sexual intercourse, or other similar sexual contact or a display of exposed genitals intended for sexual purposes.

(4) For the purposes of this Act, child pornography shall mean the depiction of real or pretended coitus, other forms of sexual intercourse, or other similar sexual contact with a child or a person looking like a child, or the depiction of exposed body areas of a child or a person looking like a child intended for sexual purposes.

(5) For the purposes of this Act, child pornographic performance shall mean live performance intended for the public, also by means of information technology, where a child is involved in real or pretended sexual conduct or where body parts of a child are exposed, intended for sexual purposes.

#### Section 133

##### **Foreign Power and Foreign Agent**

(1) For the purposes of this Act, a foreign power shall mean foreign States and their military or other groups represented by their organisations and bodies, particularly persons engaged in intelligence, military officers, diplomats and other officials.

(2) For the purposes of this Act, a foreign agent shall mean a natural person or a legal entity who is not a body or a representative of a foreign State, but due to its political, economic or social status has significant influence in their State or in international relations.

#### Section 134

##### **Institution of Constitution and Crisis Situation**

(1) For the purposes of this Act, an institution of constitution shall mean a democratic system of fundamental rights and freedoms guaranteed by the proper organisation and operation of the State authorities, local governments, and political parties and movements governed by the Constitution of the Slovak Republic.

(2) For the purposes of this Act, a crisis situation shall mean

- a) a state of emergency,
- b) an emergency,
- c) a state of war, or

d) war.

#### Section 135

##### **Possession of Drugs for Personal Use**

(1) Possession of narcotic, psychotropic substances, poisons or precursors for personal use shall mean to have the illegal possession of narcotic, psychotropic substances, poisons or precursors at any time and in an amount not exceeding three times the usual single dose for personal consumption.

(2) Possession of narcotic, psychotropic substances, poisons or precursors for personal use in a larger amount shall mean to have illegal possession of narcotic, psychotropic substances, poisons or precursors at any time and in an amount not exceeding ten times the usual single dose for personal consumption.

#### Section 136

##### **Counting of Time**

Where this Act connects certain effects with the expiry of a deadline calculated in days, it shall not include the day on which the legal fact determined its beginning occurred.

#### Section 137

##### **Arbitrary Separation**

(1) A person who is arbitrarily absent is someone who

- a) is absent without the permission of their unit or their place of service designation,
- b) fails to report to their unit or their place of service designation, although they were referred there or even though the time of their justified absence lapsed, particularly during being assigned, transferred, travelling on service purposes or taking leave,
- c) was separated from their unit during combat and failed to return, even after the reasons for their separation ceased to exist, to theirs or another military unit, or
- d) failed to report to a military unit after their return or after their liberation from enemy captivity.

(2) A person who is consistently arbitrarily absent is someone who is arbitrarily absent for a period of less than forty-eight hours at least three times, provided the period between the first and third arbitrary absence did not exceed three months.

(3) Arbitrary absence under Subsection 1 applies only to the person who serves compulsory military service.

#### **Division II**

##### **Special Qualifying Terms**

#### Section 138

##### **More Serious Methods of Conduct**

A more serious manner of conduct means the commission of a criminal offence

- a) with a weapon except for the criminal offences of a premeditated murder under Section 144, murder under Section 145, manslaughter under Section 147 and 148, homicide under Section 149, bodily harm under Section 155, 156 and 157,
- b) for an extended period of time,
- c) in a cruel and tormentous manner,
- d) by violence, threats of imminent violence, or the threat of other grievous harm,
- e) of burglary,
- f) by deception,
- g) through the exploitation of distress, inexperience, dependency or subordination,
- h) through the violation of an important obligation arising from an offender's employment, position or function, or imposed upon them by law,
- i) by an organised group, or
- j) on several persons.

Section 139

**Protected Person**

(1) A protected person means

- a) a child,
- b) a pregnant woman,
- c) a close person,
- d) a dependent person,
- e) an elderly person,
- f) an ill person,
- g) persons utilising protection under international law,
- h) a public official or person who performs their duties imposed by law,
- i) a witness, expert, interpreter or translator, or
- j) a health professional when performing a health profession directed at rescuing life or protecting health.

(2) The provisions of Subsection 1 shall not apply if the criminal offence was not committed in connection with the state, condition or age of the protected person.

Section 140

**Special Motive**

Special motive means the commission of a criminal offence

- a) to order,
- b) out of revenge,
- c) to cover up or facilitate another criminal offence,
- d) with the intention to commit any of the criminal offences of terrorism,
- e) out of hatred against a group of persons or an individual because of their actual or deemed belonging to a race, nation, nationality, ethnicity, because of their actual or deemed origin, skin colour, gender, sexual orientation, political opinions or religion, or
- f) with a sexual motive.

Section 140a

**Criminal Offences of Extremism**

The criminal offences of extremism are the criminal offences of establishment, support and promotion of movements directed at the suppression of fundamental rights and freedoms under Section 421, expression of sympathy for movements directed at the suppression of fundamental rights and freedoms under Section 422, production of extremist material under Section 422a, distribution of extremist material under Section 422b, possession of extremist material under Section 422c, denial or approval of the holocaust, the crimes of political regimes and the crimes against humanity under Section 422d, defamation of a nation, race and conviction under Section 423, incitement to national, racial and ethnic hatred under Section 424, apartheid and discrimination of groups of persons under Section 424a and a criminal offence committed out of a special motive under Section 140 Paragraph e).

Section 140b

**Criminal Offences of Terrorism**

The criminal offences of terrorism are a criminal offence of establishing, plotting and supporting a terrorist group under Section 297, a criminal offence of terror under Section 313 and 314, a criminal offence of a terrorist attack under Section 419, a criminal offence of certain forms of participation in terrorism under Section 419b, a criminal offence of terrorist financing under Section 419c, a criminal offence of travel for the purpose of terrorism under Section 419d and a crime committed out of a special motive under Section 140 Paragraph d).

Section 141

**Dangerous Groups**

A dangerous group shall mean

- a) a criminal group, or
- b) a terrorist group.

Section 142

**Grievous Bodily Harm or Death**

- (1) Grievous bodily harm shall mean causing the bodily harm referred to in Section 123 Subsection 3.
- (2) Death shall mean the biological death of the brain (cerebral death).

Section 143

**Death of Several Persons**

A death of several persons shall mean causing the death of at least three persons.

**PART TWO**

**SEPARATE PART**

CHAPTER ONE

CRIMINAL OFFENCES AGAINST LIFE AND HEALTH

**Division I**

**Criminal Offences against Life**

Section 144

**Premeditated Murder**

(1) Whoever intentionally kills another person with premeditated intent shall be punished by a prison sentence of twenty to twenty-five years.

(2) A prison sentence of twenty-five years or a life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and they have already been convicted for the crime of murder,
- b) against two persons,
- c) in a more serious manner of conduct,
- d) against a protected person,
- e) out of a special motive, or
- f) with the intention to acquire a material benefit.

(3) A life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and they have already been convicted for such an act,
- b) in a dangerous group, or
- c) in a crisis situation.

Section 145

**Murder**

(1) Whoever intentionally kills another person shall be punished by a prison sentence of fifteen to twenty years.

(2) A prison sentence of twenty to twenty-five years or life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) against two persons,

- b) in a more serious manner of conduct,
- c) against a protected person,
- d) out of a special motive, or
- e) with the intention to acquire a material benefit.

(3) A prison sentence of twenty-five years or life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and they have been previously convicted for such act or a criminal offence of premeditated murder,
- b) in a dangerous group, or
- c) in a crisis situation.

#### Section 146

#### **Murder of a Newborn Child by its Mother**

A mother, who intentionally kills her newborn child during child birth or immediately thereafter due to the stress caused by the child's birth, shall be punished by a prison sentence of four to eight years.

#### **Manslaughter**

#### Section 147

(1) Whoever, with the intention to cause grievous bodily harm to another person, causes death out of negligence, shall be punished by a prison sentence of seven to ten years.

(2) A prison sentence of nine to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) against a protected person, or
- b) out of a special motive.

(3) A prison sentence of twelve to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct,
- b) as a member of a dangerous group, or
- c) in a crisis situation.

#### Section 148

(1) Whoever, with the intention to cause bodily harm to another person, causes death out of negligence shall be punished by a prison sentence of three to eight years.

(2) A prison sentence of five to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) against a protected person, or
- b) out of a special motive.

(3) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct,
- b) as a member of a dangerous group, or
- c) in a crisis situation.

#### Section 149

#### **Homicide**

(1) Whoever causes the death of another person out of negligence shall be punished by a prison sentence of up to

three years.

(2) A prison sentence of two to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct, or
- b) against a protected person.

(3) An offender shall be punished by a prison sentence of four to ten years if they committed an act referred to in Subsection 1 against two or more persons by a gross violation of safety regulations, traffic safety regulations or hygiene regulations.

(4) The same punishment referred to in Subsection 3 shall be imposed upon an offender if they cause the death of another person out of negligence in connection with their employment, occupation, position or function or as a driver of a motor vehicle in a state excluding the capacity to perform such activities that they gave rise to under the influence of an addictive substance.

(5) An offender shall be punished by a prison sentence of seven to twelve years if they caused the death of two or more persons by committing an act referred to in Subsection 4 out of negligence.

### **Illegal Interruption of Pregnancy**

#### Section 150

(1) Whoever, without the consent of the pregnant woman, artificially interrupts her pregnancy shall be punished by a prison sentence of three to eight years.

(2) An offender shall be punished by a prison sentence of four to ten years if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct, or
- b) against a protected person.

(3) An offender shall be punished by a prison sentence of eight to fifteen years if they caused grievous bodily harm to, or the death of, a pregnant woman by committing an act referred to in Subsection 1.

#### Section 151

(1) Whoever, with the consent of the pregnant woman, artificially interrupts her pregnancy using a method or under conditions that are contrary to generally binding legal regulations on the artificial interruption of pregnancy shall be punished by a prison sentence of two to five years.

(2) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death,
- b) against a juvenile woman without the consent of her legal guardian, or those to whose care or supervision she had been entrusted,
- c) and thus obtain a larger benefit, or
- d) in a more serious manner of conduct.

#### Section 152

(1) Whoever encourages a pregnant woman to

- a) artificially interrupt her own pregnancy, or
- b) to request or allow another person to artificially interrupt her pregnancy using a method or under conditions that are contrary to generally binding legal regulations on the artificial interruption of pregnancy shall be punished by a prison sentence of up to one year.

(2) The same punishment referred to in Subsection 1 shall be imposed upon any person who aids a pregnant woman to interrupt her own pregnancy or requests or allows another person to artificially interrupt her pregnancy.

(3) A prison sentence of two to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) in a more serious manner of conduct, or
- b) against a protected person.

(4) An offender shall be punished by a prison sentence of three to eight years if they caused grievous bodily harm or death by committing an act referred to in Subsection 1 or 2.

#### Section 153

A pregnant woman who artificially interrupts her own pregnancy or otherwise requests it, or allows it, shall not be criminally liable for such an act, not even under the provisions on instigators and accessory.

#### Section 154

### **Accessory to Suicide**

(1) Whoever encourages another person to commit suicide or assists another person in committing suicide shall be punished, if at least an attempted suicide occurred, by a prison sentence of six months to three years.

(2) A prison sentence of three to eight years shall be imposed upon an offender if the act referred to in Subsection 1 was committed

- a) in a more serious manner of conduct,
- b) against a protected person, or
- c) out of a special motive.

## **Division II**

### **Criminal Offences against Health**

#### **Bodily Harm**

#### Section 155

(1) Whoever intentionally causes grievous bodily harm to another person shall be punished by a prison sentence of four years to ten years.

(2) A prison sentence of five to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct,
- b) against a protected person, or
- c) out of a special motive.

(3) A prison sentence of ten to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) as a member of a dangerous group, or
- b) in a crisis situation.

#### Section 156

(1) Whoever intentionally harms the health of another person shall be punished by a prison sentence of six months to two years.

(2) A prison sentence of one to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) against a protected person, or
- b) out of a special motive.

(3) A prison sentence of two to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct,
- b) in a crisis situation, or
- c) and thus cause grievous bodily harm.

#### Section 157

(1) Whoever causes grievous bodily harm to another person out of negligence shall be punished by a prison sentence

of six months to two years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct, or
- b) against a protected person.

#### Section 158

Whoever harms the health of another person out of negligence by violating an important obligation arising from their employment, occupation, position or function, or one imposed upon them by law, shall be punished by a prison sentence of up to one year.

### **Illegal Removal of Organs, Tissues and Cells and Illegal Sterilisation**

#### Section 159

(1) Whoever illegally removes an organ, tissue or cell from a living person, or those who illegally procure for themselves or another person such organ, tissue or cell shall be punished by a prison sentence of two to eight years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who illegally sterilizes a natural person.

(3) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) in a more serious manner of conduct,
- b) out of a special motive, or
- c) as a member of a dangerous group.

(4) An offender shall be punished by a prison sentence of ten to fifteen years if they caused grievous bodily harm or death by committing an act referred to in Subsection 1 or 2.

#### Section 160

(1) Whoever illegally procured organs, tissues or cells from a dead person for themselves or another person shall be punished by a prison sentence of six months to three years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct, or
- b) out of a special motive.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 as a member of a dangerous group.

### **Division III**

#### **Criminal Offences Endangering Life or Health**

#### Section 161

### **Illegal Experiments on Humans and Human Cloning**

(1) Whoever, under the pretext of acquiring new medical knowledge, methods, or to confirm hypotheses or clinical trials of drugs, performs the verification of new medical knowledge without authorisation

- a) despite the fact that it directly threatens human life or health, unless it is necessary performance capable of saving the ir imminently threatened life, or
- b) without medical indication and without the consent of the person concerned, or performs it on persons whose verification is prohibited without a medical indication, or if they conduct it on a human foetus or embryo, or they conduct it contrary to other statutory conditions of verification without medical indications,  
shall be punished by a prison sentence of one to five years.

(2) An offender shall be punished by a prison sentence of three to eight years if they perform any intervention with the aim to create a human being at any stage of its development that is genetically identical to another human being, whether living or dead.

(3) A prison sentence of five to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) in a more serious manner of conduct,
- b) against a protected person, or
- c) if they obtained a larger benefit for themselves or another person by committing an act referred to in Subsection 1 or 2.

(4) An offender shall be punished by a prison sentence of eight to fifteen years if they caused grievous bodily harm or death by committing an act referred to in Subsection 1.

#### Section 162

##### **Harm to Health**

(1) Whoever performs health care operations and improper examinations or therapeutic procedures or incorrect indication of medicines, drugs or other medical devices although they do not have the prescribed professional competence of a professional health worker or another professional health worker, even out of negligence, and thus

- a) immediately endangers the life of another person,
- b) harms another person's health, or
- c) performs an examination or treatment action or a wrong indication of medicines, drugs or medical devices without the consent of another person and thus endangers their health  
shall be punished by a prison sentence of six months to three years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct, or
- b) against a protected person.

(3) An offender shall be punished by a prison sentence of three to eight years if they caused grievous bodily harm or death by committing an act referred to in Subsection 1.

##### **Spread of Dangerous Contagious Human Diseases**

#### Section 163

(1) Whoever intentionally causes or increases the risk of the introduction or spread of dangerous contagious human diseases shall be punished by a prison sentence of one to five years.

(2) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 in a more serious manner of conduct.

(3) An offender shall be punished by a prison sentence of four to ten years if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death, or
- b) in a crisis situation.

#### Section 164

(1) Whoever causes or increases the risk of the introduction or spread of contagious human diseases out of negligence shall be punished by a prison sentence of up to three years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct, or
- b) thus cause grievous bodily harm or death.

##### **Threatening with Human Immunodeficiency Virus**

#### Section 165

(1) Whoever intentionally puts another person at risk of contracting the human immunodeficiency virus shall be punished by a prison sentence of three to ten years.

(2) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) in a more serious manner of conduct, or

b) against a protected person.

(3) An offender shall be punished by a prison sentence of ten to fifteen years if they caused grievous bodily harm or death by committing an act referred to in Subsection 1.

#### Section 166

(1) Whoever puts another person at risk of contracting the human immunodeficiency virus out of negligence shall be punished by a prison sentence of one to five years.

(2) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) in a more serious manner of conduct, or

b) against a protected person.

(3) An offender shall be punished by a prison sentence of four to ten years if they cause grievous bodily harm or death by committing an act referred to in Subsection 1.

#### Section 167

##### **Threat with a Venereal Disease**

(1) Whoever puts another person at risk of contracting a venereal disease, even out of negligence, shall be punished by a prison sentence of up to three years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 against a protected person.

(3) An offender shall be punished by a prison sentence of three to eight years if they caused grievous bodily harm or death by committing an act referred to in Subsection 1.

##### **Endangering Health by Defective Foodstuff and other Objects**

#### Section 168

(1) Whoever sells, produces or intentionally procures for themselves or another person defective foodstuff or other objects whereby the use or ingestion for general purposes is dangerous to human health shall be punished by a prison sentence of up to two years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 in a more serious manner of conduct.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) and thus cause grievous bodily harm or death, or

b) in a crisis situation.

#### Section 169

(1) Whoever sells or for such purpose produces or procures for themselves or another person defective foodstuff or other objects whereby the use or ingestion for general purposes is dangerous to human health, even out of negligence, shall be punished by a prison sentence of up to one year.

(2) A prison sentence of six months to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1 in a more serious manner of conduct.

(3) A prison sentence of two to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) and thus cause grievous bodily harm or death, or

b) in a crisis situation.

#### Section 170

##### **Endangering Health by Illegal Medicines, Pharmaceuticals and Medical Devices**

(1) Whoever causes or increases a risk of harm to human health, even out of negligence, by

- a) illegally handling medicines, pharmaceuticals or medical devices, or
- b) performing clinical trials of medicines, pharmaceuticals or medical devices contrary to a generally binding legal regulation, shall be punished by a prison sentence of up to two years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) when providing health care,
- b) in a more serious manner of conduct,
- c) against a protected person, or
- d) out of a special motive.

(3) An offender shall be punished by a prison sentence of three to eight years if they caused grievous bodily harm or death by committing an act referred to in Subsection 1.

#### Section 170a

### **Illegal Handling of Medicines, Pharmaceuticals and Medical Devices**

(1) Whoever illegally, to a greater extent,

- a) produces,
- b) imports, exports, transports or arranges to have transported, or
- c) buys, sells, exchanges, possesses or procures medicines or pharmaceuticals that are not permitted under a special regulation, or medical devices that were brought to market contrary to a generally binding legal regulation, or mediates such activity, shall be punished by a prison sentence of one to five years.

(2) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) despite having been previously convicted for such act in the last twelve months or being charged with a similar act in the last twelve months,
- b) in a more serious manner of conduct,
- c) against a protected person,
- d) publicly, or
- e) to a significant extent.

(3) A prison sentence of five to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death, or
- b) on a large scale.

(4) A prison sentence of ten to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death to several persons, or
- b) as a member of a dangerous group.

#### Section 170b

### **Counterfeiting of Medicines and Medical Devices**

(1) Whoever procures for themselves or another person counterfeit medicines or a counterfeit medical device, or whoever possesses, imports, exports, transports, offers or sells such medicines or medical devices, shall be punished by a prison sentence of up to two years.

(2) A prison sentence of one to five years shall be imposed on a person who counterfeits or otherwise alters the identity of

- a) a medicine, including its designation, or states false information about the producer, holder of the decision on the medicine registration or about the country of production with the intention of presenting it as genuine,

b) a medical device, including its designation, or states false information about the producer, about the conformity assessment, about the conformity mark, about the notification of the medical device or about the country of production with the intention of presenting it as genuine.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

a) despite having been previously convicted for such act in the last twelve months or being charged with a similar act in the last twelve months,

b) in a more serious manner of conduct,

c) against a protected person,

d) publicly, or

e) to a greater extent.

(4) A prison sentence of five to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

a) and thus cause grievous bodily harm or death, or

b) to a significant extent.

(5) A prison sentence of ten to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

a) and thus cause grievous bodily harm or death to several persons,

b) as a member of a dangerous group, or

c) to a large extent.

#### **Illegal Production of Narcotic and Psychotropic Substances, Poisons or Precursors, their Possession and Trafficking**

##### Section 171

(1) Whoever illegally possesses narcotic or psychotropic substances, poisons or precursors for own use shall be punished by a prison sentence of up to three years.

(2) An offender shall be punished by a prison sentence of up to five years if they illegally possess narcotic or psychotropic substances, poisons or precursors for own use in a larger amount.

##### Section 172

(1) Whoever illegally

a) produces,

b) imports, exports, transports or gives to transport,

c) buys, sells, exchanges, procures, or

d) possesses narcotic or psychotropic substances, poisons or precursors for any period of time or those who mediate such activity,

shall be punished by a prison sentence of three to ten years.

(2) A prison sentence of ten to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) and they have already been convicted for such an act,

b) for a person who is being treated for drug addiction,

c) in a more serious manner of conduct,

d) against a protected person, or

e) to a larger extent.

(3) A prison sentence of fifteen to twenty years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) and thus cause grievous bodily harm or death,

- b) against a person younger than fifteen years or through such person, or
- c) to a significant extent.

(4) A prison sentence of twenty to twenty-five years or life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death to several persons,
- b) as a member of a dangerous group, or
- c) to a large extent.

#### Section 173

(1) Whoever produces, procures for themselves or another person or possesses an object intended for the illegal production of narcotic or psychotropic substances, poisons or precursors shall be punished by a prison sentence of one to five years.

(2) A prison sentence of three to eight years shall be imposed upon an offender if they obtained a larger benefit for themselves or another person by committing an act referred to in Subsection 1.

(3) A prison sentence of four to ten years shall be imposed upon an offender if they obtained a significant benefit for themselves or another person by committing an act referred to in Subsection 1.

(4) A prison sentence of ten to fifteen years shall be imposed upon an offender if they obtained a benefit of a large extent for themselves or another person by committing an act referred to in Subsection 1.

#### Section 174

##### **Spreading of Addiction**

(1) Whoever incites others to abuse addictive substances other than alcohol, or if they support them in it or those who otherwise encourage or spread the abuse of such substances, shall be punished by a prison sentence of one to five years.

(2) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) against a protected person, or
- b) publicly.

#### Section 175

##### **Serving of Alcoholic Beverages to Juveniles**

Whoever serves alcoholic beverages to persons younger than eighteen years continuously or in bulk shall be punished by a prison sentence of up to three years.

#### Section 176

##### **Illegal Handling of Agents with Anabolic or Other Hormonal Effects**

(1) Whoever illegally, to a greater extent, produces, imports, exports, transports, offers, sells, provides or administers a substance with anabolic or other hormonal effects to another person under a special regulation for other than a therapeutic purpose, or mediates such activity, shall be punished by a prison sentence of up to three years.

(2) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) despite having been previously convicted for such act in the last twelve months or being charged with a similar act in the last twelve months,
- b) in connection with an organised sports activity,
- c) in a more serious manner of conduct,
- d) against a protected person,
- e) publicly, or
- f) to a significant extent.

(3) A prison sentence of five to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death, or
- b) on a large scale.

(4) A prison sentence of ten to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death to several persons, or
- b) as a member of a dangerous group.

#### **Failure to Provide Assistance**

##### **Section 177**

(1) Whoever fails to provide necessary assistance to a person who is in danger of death or shows signs of grievous bodily harm, when they can do so without danger to themselves or another person, shall be punished by a prison sentence of up to two years.

(2) Whoever fails to provide the necessary assistance to a person, who is in danger of death or shows signs of grievous bodily harm, when they are obligated to do so out of their position, shall be punished by a prison sentence of six months to three years.

##### **Section 178**

A driver of a motor vehicle who fails to provide the necessary assistance to a person who sustained an injury during a traffic accident that they were involved in, when they can do so without danger to themselves or another person, shall be punished by a prison sentence of up to three years.

### **CHAPTER TWO**

#### **CRIMINAL OFFENCES AGAINST FREEDOM AND HUMAN DIGNITY**

##### **Division I**

##### **Criminal Offences against Freedom**

##### **Section 179**

##### **Human Trafficking**

(1) Whoever with the application of fraudulent conduct, deception, the restriction of personal freedom, kidnapping, violence, threats of violence, threats of other grievous harm or other forms of coercion, by accepting or providing monetary fulfilment or other benefits in order to gain a person's consent on whom another person is dependent, or the abuse of their position or vulnerability or otherwise vulnerable position, entices, transports, harbours, transmits or accepts another person, even with their consent, for the purpose of prostitution or other forms of sexual exploitation, including pornography, forced labour and services including beggary, slavery or practices similar to slavery, servitude, forced marriage, misuse for committing criminal activities, removal of organs, tissues or cells or other forms of exploitation shall be punished by a prison sentence of four to ten years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who entices, transports, harbours, transmits or accepts a child, even with their consent, for the purpose of child prostitution or other forms of sexual exploitation, including child pornography, forced labour or forced services including beggary, slavery or practices similar to slavery, servitude, forced marriage, misuse for committing criminal activities, illegal adoption, removal of organs, tissues or cells or other forms of exploitation.

(3) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) and thus obtain a larger benefit for themselves or another person,
- b) and puts another person at risk of grievous bodily harm or death by such act,
- c) as a public official,
- d) against a protected person,
- e) out of a special motive, or
- f) in a more serious manner of conduct.

(4) A prison sentence of twelve to twenty years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) and thus obtain a significant benefit for themselves or another person,
- b) and thus cause grievous bodily harm or death, or another particularly serious consequence, or
- c) as a member of a dangerous group.

(5) A prison sentence of twenty to twenty-five years or a life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) and thus obtain a benefit of a large extent for themselves or another person, or
- b) thus cause grievous bodily harm or death to several persons.

### **Placement of a Child under the Control of Another Person**

#### **Section 180**

(1) Whoever entrusts a child into the authority of another person for the purpose of adoption or whoever has a child entrusted into their authority for the purpose of adoption contrary to generally binding legal regulations shall be punished by a prison sentence of up to three years.

(2) An offender shall be punished by a prison sentence of four to ten years if they committed an act referred to in Subsection 1

- a) and thus obtain a larger benefit for themselves or another person, or
- b) in a more serious manner of conduct.

(3) An offender shall be punished by a prison sentence of ten to fifteen years if they cause grievous bodily harm, death or another particularly serious consequence by committing an act referred to in Subsection 1.

#### **Section 181**

(1) Whoever entrusts a child into the authority of another person for a reward for the purpose of exploiting them for child labour or any other purpose shall be punished by a prison sentence of four to ten years.

(2) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus obtain a larger benefit for themselves or another person, or
- b) in a more serious manner of conduct.

(3) A prison sentence of twelve to twenty years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death, or another particularly serious consequence, or
- b) obtain a significant benefit for themselves or another person.

(4) A prison sentence of twenty to twenty-five years or a life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus obtain a benefit of a large extent for themselves or another person,
- b) and thus cause the death of several persons, or
- c) as a member of a dangerous group.

#### **Section 182**

### **Deprivation of Freedom**

(1) Whoever illegally deprives another person of their freedom shall be punished by a prison sentence of four to ten years.

(2) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) out of a special motive,
- b) against a protected person, or
- c) in a more serious manner of conduct.

(3) A prison sentence of ten to fifteen years shall be imposed upon an offender if they committed an act referred to in

Subsection 1

- a) and thus cause grievous bodily harm or death, or
- b) thus obtain a significant benefit for themselves or another person.

(4) A prison sentence of fifteen to twenty-five years or a life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus obtain a benefit of a large extent for themselves or another person,
- b) as a member of a dangerous group, or
- c) thus cause the death of several persons.

Section 183

**Restricting Personal Freedom**

(1) Whoever illegally restricts the personal freedom of another person shall be punished by a prison sentence of six months to three years.

(2) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct,
- b) out of a special motive,
- c) as a public official,
- d) against a protected person, or
- e) thus cause larger damage.

(3) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death, or
- b) thus cause significant damage.

(4) A prison sentence of twelve to twenty-five years or a life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause the death of several persons,
- b) and thus cause damage of large extent, or
- c) as a member of a dangerous group.

Section 184

**Restricting the Freedom of Residence**

(1) Whoever through deception or violence, threats of violence or any other harm

- a) illegally forces another person to reside in a particular location, or
- b) illegally prevents another person from residing in a particular place,  
shall be punished by a prison sentence of six months to three years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct,
- b) out of a special motive, or
- c) as a public official.

(3) The same punishment referred to in Subsection 2 shall be imposed upon a person who illegally forces another person to leave the territory of the Slovak Republic or illegally restricts another person from residing in the Slovak Republic.

Section 185

## **Hostage-taking**

(1) Whoever takes a hostage and threatens to kill them or to cause them bodily harm or any other harm in order to force another person to do something, to fail to do something, or to tolerate something, shall be punished by a prison sentence of four to ten years.

(2) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct,
- b) against a protected person,
- c) out of a special motive, or
- d) thus cause larger damage.

(3) A prison sentence of ten to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause significant damage, or
- b) thus cause grievous bodily harm or death.

(4) A prison sentence of fifteen to twenty-five years or a life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause the death of several persons,
- b) and thus cause damage of a large extent, or
- c) as a member of a dangerous group.

## **Section 186**

### **Kidnapping for Ransom**

(1) Whoever takes another person against their will and thereby restricts their personal freedom or kidnaps them and, through the threat of death, bodily harm or any other harm, they enforce the provision of fulfilment of a material or non-material nature from them or third persons shall be punished by a prison sentence of seven to twelve years.

(2) A prison sentence of ten to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus obtain a larger benefit for themselves or another person,
- b) in a more serious manner of conduct,
- c) against a protected person, or
- d) out of a special motive.

(3) A prison sentence of twelve to twenty years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus obtain a significant benefit for themselves or another person, or
- b) thus cause grievous bodily harm or death.

(4) A prison sentence of twenty to twenty-five years or a life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus obtain a benefit of a large extent for themselves or another person,
- b) and thus cause death of several persons, or
- c) as a member of a dangerous group.

## **Section 187**

### **Kidnapping to Foreign State**

(1) Whoever illegally kidnaps another person to a foreign State shall be punished by a prison sentence of four to ten years.

(2) A prison sentence of ten to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause larger damage,
- b) against a protected person,
- c) out of a special motive, or
- d) in a more serious manner of conduct.

(3) A prison sentence of twelve to twenty-five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death, or
- b) thus cause significant damage.

(4) A prison sentence of fifteen to twenty-five years or a life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause damage of large extent,
- b) and thus cause the death of several persons, or
- c) as a member of a dangerous group.

#### Section 188

##### **Robbery**

(1) Whoever uses violence or the threat of imminent violence against another person with the intention to appropriate a stranger's item shall be punished by a prison sentence of three to eight years.

(2) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus immediately endanger the life or health of several persons,
- b) and thus cause larger damage,
- c) in a more serious manner of conduct,
- d) against a protected person, or
- e) out of a special motive.

(3) A prison sentence of ten to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death, or
- b) thus cause significant damage.

(4) A prison sentence of fifteen to twenty-five years or a life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause damage of large extent,
- b) and thus cause the death of several persons, or
- c) as a member of a dangerous group.

#### Section 189

##### **Blackmail**

(1) Whoever forces another person through violence, the threat of violence or the threat of another grievous bodily harm to do something, to fail to do something or to tolerate something shall be punished by a prison sentence of two to six years.

(2) An offender shall be punished by a prison sentence of four to ten years if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct,
- b) against a protected person,
- c) out of a special motive, or
- d) thus cause larger damage.

(3) A prison sentence of ten to twenty years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death, or
- b) thus cause significant damage.

(4) A prison sentence for twenty to twenty-five years or life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or the death of several persons,
- b) and thus cause damage of large extent, or
- c) as a member of a dangerous group.

### **Duress**

#### Section 190

(1) Whoever forces another person through violence, the threat of violence, or the threat of another grievous bodily harm to provide the fulfilment of a material or non-material nature for themselves or a third person for their own services or the services of the third person, whom they enforce the performance from against their will, even when they pretend to provide such services, shall be punished by a prison sentence of four to ten years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who, with respect to a group of people for their nationality, race, skin colour, ethnicity, age, health or sex, or with the intention to gain an illegal or inappropriate benefit for themselves or another person,

- a) illegally forces them through the use of violence or threats of violence to do something, to fail to do something, or to tolerate something contrary to their fundamental human rights, or
- b) harasses, tortures or treats them in another inhumane and cruel manner.

(3) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) and thus cause larger damage,
- b) against a protected person,
- c) out of a special motive, or
- d) in a more serious manner of conduct.

(4) A prison sentence of twelve to twenty years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) and thus cause grievous bodily harm or death, or
- b) thus cause significant damage.

(5) A prison sentence of twenty to twenty-five years or a life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) and thus cause damage of large extent,
- b) and thus cause the death of several persons, or
- c) as a member of a dangerous group.

#### Section 191

(1) Whoever forces another person through violence, threats of violence or the threat of other grievous harm to fulfil the obligation of a commitment, to which a third party is otherwise entitled, shall be punished by a prison sentence of one to three years.

(2) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause larger damage,
- b) against a protected person,
- c) out of a special motive, or
- d) in a more serious manner of conduct.

(3) A prison sentence of seven to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death, or
- b) thus cause significant damage.

(4) A prison sentence of fifteen to twenty-five years or a life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause damage of large extent,
- b) and thus cause the death of several persons, or
- c) as a member of a dangerous group.

## Section 192

### **Coercion**

(1) Whoever forces another person to do something, to fail to do something or to tolerate something while abusing their material need or urgent non-material need, or distress caused by their adverse personal circumstances, shall be punished by a prison sentence of up to three years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct,
- b) against a protected person,
- c) out of a special motive,
- d) with the intention to obtain a larger material benefit or another benefit for themselves or another person, or
- e) by denying an employee, in an employment or other similar relationship, the right to the provision of health and safety at work, to annual holiday leave, or for the provision of the specific employment conditions for women and juvenile employees guaranteed by law.

(3) An offender shall be punished by a prison sentence of four to ten years if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death, or
- b) thus cause significant damage.

(4) A prison sentence of ten to twenty-five years or a life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause damage of a large extent,
- b) and thus cause the death of several persons,
- c) as a member of a dangerous group, or
- d) in a crisis situation.

## Section 193

### **Restricting the Freedom of Religion**

(1) Whoever through violence, threats of violence or the threat of other grievous harm

- a) forces another person to take part in religious acts,

- b) restricts another person from participating in religious acts without authorisation, or
- c) otherwise restricts another person in exercising their freedom of religion without authorisation, shall be punished by a prison sentence of up to two years.

(2) A prison sentence of two to six years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct,
- b) against a protected person,
- c) out of a special motive, or
- d) publicly.

#### Section 194

##### **Violations of Home Freedom**

(1) Whoever illegally enters the dwelling of another person or remains there illegally shall be punished by a prison sentence of up to two years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct,
- b) by overcoming barriers, the purpose of which is to prevent intrusion,
- c) with at least two persons, or
- d) out of a special motive.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) against a protected person, or
- b) as a member of a dangerous group.

#### Section 194a

##### **Protection of Privacy in Dwellings**

(1) Whoever intentionally breaches another person's right to privacy in that person's dwelling, the right to a private and family life of that person conducted in such dwelling, by obtaining information, for themselves or any other person, on the life of that person and life of persons staying in the dwelling with that person through unauthorised monitoring and makes records or any other documentation from the monitoring using IT resources and other technical means shall be punished by a prison sentence of up to one year.

(2) A prison sentence of one to two years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct,
- b) by overcoming barriers, the purpose of which is to prevent intrusion,
- c) with at least two persons, or
- d) out of a special motive.

(3) A prison sentence of two to four years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) against a protected person, or
- b) as a member of a dangerous group.

#### Section 195

##### **Violations of the Freedom of Gathering and Assembly**

(1) Whoever through violence, threats of violence or the threat of other grievous harm restricts another person in exercising their right of gathering or the right of assembly, shall be punished by a prison sentence of up to two years.

(2) Whoever, in connection with the assembly which is subject to a notification obligation, opposes the measures designed to maintain order of the organiser or the designated organisers of such assembly through violence or the threat of imminent violence, shall be punished by a prison sentence of up to one year.

### **Violation of Confidentiality of Transported Messages**

#### **Section 196**

(1) Whoever intentionally violates the secrecy of correspondence by prying or opening a closed letter or other documents transported by a postal business or by another common method, shall be punished by a prison sentence of up to three years.

(2) Any employee of the provider of postal services, who commits the act referred to in Subsection 1 or intentionally facilitates the commission of such act by another person, or alters or overrides the document transported by the postal business or another common method, shall be punished by a prison sentence of one to five years.

(3) A prison sentence of four to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) and thus cause significant damage,
- b) out of a special motive, or
- c) in a more serious manner of conduct.

#### **Section 197**

(1) Whoever, with the intention to cause harm to another person or to procure an illegal benefit for themselves or another person,

a) reveals a secret from correspondence which they learned from a closed letter or another document transported by a postal business or another common method, which was not intended for them, or

b) exploits such secret,  
shall be punished by a prison sentence of up to three years.

(2) An employee of the provider of postal services, who commits the act referred to in Subsection 1 or intentionally facilitates the commission of such act by another person, shall be punished by a prison sentence of one to five years.

(3) A prison sentence of four to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) and thus cause significant damage,
- b) out of a special motive, or
- c) in a more serious manner of conduct.

#### **Section 198**

**Repealed from 1 January 2016**

### **Division II**

### **Criminal Offences against Human Dignity**

#### **Section 199**

#### **Rape**

(1) Whoever, through violence or the threat of imminent violence, forces a woman to have intercourse or whoever abuses her vulnerability for such an act shall be punished by a prison sentence of five to ten years.

(2) A prison sentence of seven to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct,
- b) against a protected person,
- c) out of a special motive, or
- d) against a woman in custody or serving a prison sentence.

(3) An offender shall be punished by a prison sentence of fifteen to twenty years if they caused grievous bodily harm by committing an act referred to in Subsection 1.

(4) A prison sentence of twenty to twenty-five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause death, or
- b) in a crisis situation.

#### Section 200

##### **Sexual Violence**

(1) Whoever, through violence or the threat of imminent violence, forces another person to have oral sex, anal sex or another sexual practice or whoever abuses their vulnerability for such an act, shall be punished by a prison sentence of five to ten years.

(2) A prison sentence of seven to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct,
- b) against a protected person,
- c) out of a special motive, or
- d) against a person in custody or serving a prison sentence.

(3) An offender shall be punished by a prison sentence of fifteen to twenty years if they caused grievous bodily harm by committing an act referred to in Subsection 1.

(4) A prison sentence of twenty to twenty-five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause death, or
- b) in a crisis situation.

##### **Sexual Abuse**

#### Section 201

(1) Whoever performs sexual intercourse with a person under the age of fifteen years or whoever sexually abuses such a person shall be punished by a prison sentence of three to ten years.

(2) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct,
- b) against a protected person, or
- c) out of a special motive.

(3) An offender shall be punished by a prison sentence of twelve to fifteen years if they caused grievous bodily harm by committing an act referred to in Subsection 1.

(4) A prison sentence of fifteen to twenty years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause death, or
- b) in a crisis situation.

#### Section 201a

Whoever, using an electronic communication service, proposes a personal meeting to a child below fifteen years of age with the intention to commit a criminal offence of sexual abuse or a criminal offence of production of child pornography against them and is not a child themselves, shall be punished by a prison sentence of six months to three years.

#### Section 201b

Whoever misuses a child below fifteen years of age with the intention to achieving sexual satisfaction by such child's participation in sexual activities or sexual abuse, without such child having to necessarily take part in such sexual activities or

sexual abuse, or whoever makes such abuse of a child possible, shall be punished by a prison sentence of up to two years.

#### Section 202

(1) Whoever encourages a child into having extramarital intercourse or otherwise sexually abuses them where

- a) such child is entrusted into their care or is under their supervision or is a dependent person,
- b) child prostitution is concerned, or
- c) they misuse the recognised position resulting from trust, authority or influence over the child, shall be punished by a prison sentence of one year to five years.

(2) A prison sentence of two to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 with the use of coercion.

#### Section 203

##### **Intercourse between Relatives**

(1) Whoever performs sexual intercourse with a direct line relative or with a sibling shall be punished by a prison sentence of up to two years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 against a protected person.

### CHAPTER THREE

#### CRIMINAL OFFENCES AGAINST THE FAMILY AND JUVENILE

#### Section 204

##### **Bigamy**

(1) Whoever, during the course of their marriage, marries another person shall be punished by a prison sentence of up to two years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who knowingly marries a person who is already married.

#### Section 205

##### **Removal of a Child**

(1) Whoever removes a child, for whom they are obligated to take care of and who is not yet able to procure assistance, to a place where they could not be in danger of life or health shall be punished by a prison sentence of up to two years.

(2) A prison sentence of two to six years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct, or
- b) on a child younger than three years.

#### Section 206

##### **Abandonment of a Child**

(1) Whoever abandons a child, for whom they are obligated to take care of and who is not yet able to procure assistance and thus exposes them to the risk of death or bodily harm shall be punished by a prison sentence of one to five years.

(2) A prison sentence of three to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct, or
- b) on a child younger than six years.

(3) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death, or

b) in a crisis situation.

#### Section 207

##### **Negligence of Alimony**

(1) Whoever fails to satisfy the statutory obligation to maintain or feed another person for at least two months during a period of two years, even out of negligence, shall be punished by a prison sentence of up to two years.

(2) Whoever intentionally avoids the fulfilment of the statutory obligation to maintain or feed another person for at least two months during a period of two years, shall be punished by a prison sentence of up to three years.

(3) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

a) and put the entitled person in danger of emergency,

b) in a more serious manner of conduct, or

c) although they were previously convicted for such act or they were released from the serving of a prison sentence imposed for such an act in the last twenty-four months.

#### Section 208

##### **Maltreatment of a Close and Entrusted Person**

(1) Whoever causes physical or mental suffering to a close person or a person who is in their custody or education

a) through beating, kicking, hitting, causing them wounds and burns of various kind, humiliation, contempt treatment, continuous supervision, threats, by invoking fear or stress, forced isolation, emotional blackmail, or other behaviour which endangers their physical or mental health or restricts their safety,

b) through unjustified deprivation of food, rest or sleep or denial of necessary personal care, clothing, hygiene, health care, housing, upbringing or education,

c) by forcing them into beggary or to the repeated performance of activities requiring the burden of excessive physical or psychological stress with regard to their age or health or capable of harming their health,

d) by exposing them to the effects of substances that could harm their health, or

e) through the unjustified restriction of their access rights to assets, which they are entitled to use, shall be punished by a prison sentence of three to eight years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who commits an act similar to that referred to in Subsection 1, although they were previously convicted for a similar act in the last twelve months.

(3) A prison sentence of seven to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) and thus cause grievous bodily harm or death,

b) out of a special motive,

c) although they were previously convicted for such act or they were released from the serving of a prison sentence imposed for such an act in the last twenty-four months, or

d) in a more serious manner of conduct.

(4) An offender shall be punished by a prison sentence of fifteen to twenty-five years or a life prison sentence if they caused grievous bodily harm or death to several persons by committing an act referred to in Subsection 1.

##### **Kidnapping**

#### Section 209

(1) Whoever removes a child or a person suffering from a mental disorder or who is mentally underdeveloped from the care of those who are by law or by an official decision obligated to take care of them, shall be punished by a prison sentence of three to eight years.

(2) An offender shall be punished by a prison sentence of four to ten years if they committed an act referred to in Subsection 1

a) in a more serious manner of conduct,

- b) out of a special motive, or
- c) thus endanger the moral development of the kidnapped persons.

(3) A prison sentence of seven to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) with the intention to kidnap such person abroad,
- b) with the intention to obtain a significant benefit for themselves or another person, or
- c) thus cause grievous bodily harm or death, or another particularly serious consequence.

(4) A prison sentence of fifteen to twenty-five years or a life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) as a member of a dangerous group, or
- b) with the intention to obtain a benefit of a large extent for themselves or another person.

#### Section 210

(1) Whoever, as a parent or direct line relative, removes a child or a person suffering from a mental disorder or who is mentally underdeveloped from the care of those who are by law or by an official decision obligated to take care of them shall be punished by a prison sentence of six months to three years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct, or
- b) out of a special motive.

#### Section 211

##### **Corrupting the Moral Upbringing of Juveniles**

(1) Whoever puts a person younger than eighteen years of age, even out of negligence, in danger of debauchery by

- a) enticing them to lead an indolent or immoral life,
- b) allowing them to lead an indolent or immoral life,
- c) allowing them to commit actions that are criminal offences under this Act,
- d) allowing them to commit actions that are petty offences under special Acts, or
- e) preventing them from compulsory school education attendance,  
shall be punished by a prison sentence of up to two years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who, contrary to generally binding legal regulations, employs a child younger than fifteen years and thus prevents them from compulsory school education attendance.

(3) A prison sentence of six months to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) in a more serious manner of conduct, or
- b) out of a special motive.

### CHAPTER FOUR

#### CRIMINAL OFFENCES AGAINST ASSETS

##### Section 212

##### **Theft**

(1) Whoever appropriates another person's item by taking it and

- a) thus causing minor damage,
- b) commits the act by burglary,

- c) immediately after the act attempts to keep the item by force or by the threat of imminent violence,
- d) commits such act on an item which another person has on them or with them,
- e) such item is an item from the harvest from land forming part of the agricultural land fund, or timber from forest land or fish from a pond with intensive farming,
- f) commits the act on an item the collection of which is subject to a charge under a special regulation, or
- g) was charged with a similar act in the preceding twelve months,  
shall be punished by a prison sentence of up to two years.

(2) A prison sentence of six months to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1 Paragraph a) and thus causing larger damage,

- a) and thus causing larger damage,
- b) although they were convicted for such act in the preceding twenty-four months, or
- c) out of a special motive.

(3) A prison sentence of three to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus causing significant damage,
- b) in a more serious manner of conduct,
- c) at a place of reverence or universal respect or at a place of public assembly or ceremony,
- d) on an item protected under a special regulation,
- e) by organizing such act, or
- f) against a protected person.

(4) A prison sentence of ten to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus causing damage of a large extent,
- b) as a member of a dangerous group, or
- c) in a crisis situation.

### Section 213

#### **Embezzlement**

(1) Whoever appropriates a stranger's item that was entrusted to them and thus causes minor damage to a stranger's assets, shall be punished by a prison sentence of up to two years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause larger damage,
- b) out of a special motive,
- c) as a person who has a specifically imposed obligation to protect the interests of the victim, or as a trustee in bankruptcy assets, or
- d) in a more serious manner of conduct.

(3) A prison sentence of three to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus caused significant damage, or
- b) against a protected person.

(4) A prison sentence of ten to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause damage of a large extent,
- b) as a member of a dangerous group, or
- c) in a crisis situation.

#### Section 214

##### **Non-payment of Wages and Severance**

(1) Whoever, as a statutory authority of a legal entity or a natural person who is their employer or authorised agent fails to pay their employee wages, salary or other remuneration for work, compensation for wages or severance pay, to which the employee is entitled on the date of its maturity, although on that day they had monetary means for their payment that they did not necessarily need to ensure the operation of the legal entity or activity of the employer who is a natural person, or performs measures directed to obstruct the payment of such monetary means, shall be punished by a prison sentence of up to three years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause larger damage,
- b) out of a special motive, or
- c) against more than ten employees.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause significant damage.

(4) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause damage of a large extent.

#### Section 215

##### **Illegal Use of Stranger's Item**

(1) Whoever appropriates a stranger's item of minor value with the intention to temporarily use it or whoever causes minor damage to a stranger's assets by illegally temporary using an item that was entrusted to them, shall be punished by a prison sentence of up to one year.

(2) A prison sentence of six months to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause larger damage or another particularly serious consequence,
- b) out of a special motive, or
- c) in a more serious manner of conduct.

(3) A prison sentence of one to five years shall be imposed upon an offender if they caused significant damage by committing an act referred to in Subsection 1.

(4) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause damage of a large extent or another particularly serious consequence, or
- b) as a member of a dangerous group.

##### **Illegal Use of Stranger's Motor Vehicle**

#### Section 216

(1) Whoever takes a stranger's motor vehicle of minor value with the intention to temporarily use it shall be punished by a prison sentence of up to two years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and they have already been convicted for such an act,
- b) out of a special motive,
- c) in relation to a motor vehicle of greater value, or cause larger damage by committing such act, or
- d) in a more serious manner of conduct.

(3) An offender shall be punished by a prison sentence of three to eight years if they committed an act referred to in Subsection 1 in relation to a motor vehicle of significant value or if they caused significant damage by committing such an act.

(4) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in relation to a motor vehicle of a value of large extent or cause damage of a large extent by committing such act, or
- b) as a member of a dangerous group.

#### Section 217

(1) Whoever illegally uses a stranger's motor vehicle that has been entrusted to them shall be punished by a prison sentence of up to two years.

(2) A prison sentence of six months to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and they have already been convicted for such an act,
- b) out of a special motive,
- c) in relation to a motor vehicle of greater value, or cause larger damage by committing such act, or
- d) in a more serious manner of conduct.

(3) An offender shall be punished by a prison sentence of one to five years if they committed an act referred to in Subsection 1 in relation to a motor vehicle of significant value or if they caused significant damage by committing such an act.

(4) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in relation to a motor vehicle of a value of large extent or cause damage of large extent by committing such act, or
- b) as a member of a dangerous group.

#### Section 218

##### **Encroachment into the Right to a House, Apartment or Non-residential Premises**

(1) Whoever unlawfully occupies or uses the house or apartment of another person or whoever illegally prevents the entitled person from using their house or apartment shall be punished by a prison sentence of up to two years.

(2) Whoever unlawfully enters, occupies or uses the non-residential premises of another person or whoever illegally prevents the entitled person from using their non-residential premises shall be punished by a prison sentence of up to one year.

(3) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) in a more serious manner of conduct, or
- b) out of a special motive.

#### Section 219

##### **Illegal Production and Use of Payment Instruments, Electronic Money or another Payment Card**

(1) Whoever illegally produces, alters, copies, counterfeits or procures a payment instrument or electronic money or another payment card, including calling cards, or an object suitable for performing such function, in order to use it as genuine, or for such a purpose possesses, transports, uses or provides it to another person, shall be punished by a prison sentence of one to five years.

(2) Whoever illegally produces, possesses, or otherwise procures or provides for another person a tool, computer programme or other means specifically adapted to commit an act referred to in Subsection 1 shall be punished by a prison sentence of up to three years.

(3) A prison sentence of two to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) in a more serious manner of conduct,
- b) to a larger extent, or
- c) out of a special motive.

(4) A prison sentence of five to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) to a large extent, or
- b) as a member of a dangerous group.

#### Section 219a

##### **Illegal Production, Use or Possession of Certification Marks of Gauges or Security Marks of Gauges**

(1) Whoever illegally produces, alters, copies, connects or counterfeits the certification mark of a gauge or the security mark of a gauge in order to use it as genuine, or transports or provides it to another person for this purpose, or illegally possesses certification marks of a gauge or security marks of a gauge in order to use them as genuine, shall be punished by a prison sentence of one to five years.

(2) Whoever illegally produces, possesses, obtains or otherwise procures, provides for another person or uses a die, tool or other means specially adapted to commit an act referred to in Subsection 1 shall be punished by a prison sentence of up to three years.

(3) A prison sentence of two to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) in a more serious manner of conduct,
- b) to a greater extent, or
- c) out of a special motive.

(4) A prison sentence of five to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) to a large extent, or
- b) as a member of a dangerous group.

#### Section 220

##### **Counterfeiting and Alteration of Vehicle Identification Data**

(1) Whoever counterfeits or alters the vehicle identification number of a motor vehicle, engine serial number of a motor vehicle, motor vehicle nameplate or serial number of motor vehicle parts, or uses as a true identification the number, engine serial number of the motor vehicle, motor vehicle nameplate or serial number of motor vehicle parts of another motor vehicle, shall be punished by a prison sentence of up to three years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and they have already been convicted for such an act,
- b) in relation to a motor vehicle of greater value, or cause larger damage by committing such act, or
- c) out of a special motive.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct, or
- b) in relation to a motor vehicle of significant value, or cause significant damage by committing such act.

(4) An offender shall be punished by a prison sentence of four to ten years if they committed an act referred to in Subsection 1

- a) in relation to a motor vehicle of a value of large extent or cause damage of a large extent by committing such act, or
- b) as a member of a dangerous group.

#### Section 221

##### **Fraud**

(1) Whoever enriches themselves or another person to the detriment of another person's assets by putting someone in error, or exploits someone else's error and thus causes minor damage to the stranger's assets, shall be punished by a prison sentence of up to two years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause larger damage.

(3) A prison sentence of three to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause significant damage,
- b) out of a special motive,
- c) in a more serious manner of conduct, or
- d) against a protected person.

(4) A prison sentence of ten to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause damage of a large extent,
- b) as a member of a dangerous group, or
- c) in a crisis situation.

## Section 222

### **Credit Fraud**

(1) Whoever elicits credit or the securing of credit from another person by putting them in error in the issue of the performance of the terms for the provision of the credit or credit repayment, and thus causes them minor damage, shall be punished by a prison sentence of one to five years.

(2) An offender shall be punished by a prison sentence of two to five years if, as an employee, member, statutory authority, agent or another person entitled to act on behalf of those who provide the credit, they allow another person to obtain credit despite knowing that they do not qualify for the terms set out for its provision.

(3) A prison sentence of three to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) and thus cause larger damage,
- b) out of a special motive, or
- c) in a more serious manner of conduct.

(4) A prison sentence of five to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2 and thus cause significant damage.

(5) A prison sentence of ten to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) and thus cause damage of a large extent,
- b) as a member of a dangerous group, or
- c) in a crisis situation.

## Section 223

### **Insurance Fraud**

(1) Whoever elicits an insurance policy from another person by putting them in error in the issue of the fulfilment of the terms for the provision of the insurance, and thus causes them minor damage, shall be punished by a prison sentence of one to five years.

(2) An offender shall be punished by a prison sentence of two to five years if, as an employee, member, agent or another person entitled to act on behalf of those who provide the insurance policy, they assist another person in obtaining an insurance policy despite knowing that they do not qualify for the terms set out for its provision.

(3) A prison sentence of three to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) and thus cause larger damage,
- b) out of a special motive, or

c) in a more serious manner of conduct.

(4) A prison sentence of five to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2 and thus cause significant damage.

(5) A prison sentence of ten to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

a) and thus cause damage of a large extent,

b) as a member of a dangerous group, or

c) in a crisis situation.

#### Section 224

##### **Capital Fraud**

(1) Whoever, in connection with the offer, sale or distribution of securities or other documents that promise to participate in the company equity revenues, or in connection with the offer to increase the yields of such investment in prospectuses or other promotional material or summary reports relating to financial circumstances or company revenues in relation to a greater number of persons, lists false data or unrealistic data on the investment revenue or financial circumstances of an enterprise which it is to be invested in, or who conceals the disadvantages of such investment, shall be punished by a prison sentence of one to five years.

(2) A prison sentence of three to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) and thus cause larger damage,

b) out of a special motive, or

c) in a more serious manner of conduct.

(3) A prison sentence of five to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause significant damage.

(4) A prison sentence of ten to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) and thus cause damage of a large extent,

b) as a member of a dangerous group, or

c) in a crisis situation.

#### Section 225

##### **Subsidy Fraud**

(1) Whoever elicits a grant, subsidy, contribution or other fulfilment from the State budget, from the budget of public institutions, the State fund budget, a higher territorial unit budget or municipal budget, without meeting the requirements prescribed by generally binding legal regulations for the granting of such means, by putting another person in error in the issue of its performance, shall be punished by a prison sentence of one to five years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who uses for other than the specified purpose any obtained grant, subsidy, contribution or other fulfilment from the State budget, the budget of a public institution, State fund budget, budget of a higher territorial unit or municipal budget.

(3) An offender shall be punished by a prison sentence of two to five years if, as an employee, member, agent or another person entitled to act on behalf of those who provide the grant, subsidy, contribution or other fulfilment from the State budget, the budget of public institutions, State fund budget, the higher territorial unit budget or municipal budget, they allow another to obtain a grant, subsidy, contribution or another performance from the State budget, the budget of public institutions, State fund budget, the higher territorial unit budget or municipal budget, despite knowing that they do not qualify for the terms set out for its provision.

(4) An offender shall be punished by a prison sentence of three to ten years if they committed an act referred to in Subsection 1, 2 or 3

a) and thus cause larger damage,

b) out of a special motive, or

c) in a more serious manner of conduct.

(5) A prison sentence of five to twelve years shall be imposed upon an offender if they committed an act referred to in

Subsection 1, 2 or 3 and thus cause significant damage.

(6) A prison sentence of ten to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1, 2 or 3

- a) and thus cause damage of a large extent,
- b) as a member of a dangerous group, or
- c) in a crisis situation.

#### Section 226

##### **Illegal Enrichment**

(1) Whoever enriches themselves or another person to the detriment of another person's assets by illegal intervention into technical or computer software, machines or other similar devices or technical equipment serving for the automated performance of the sales of goods, change or withdrawal of money or for the provision of other paid performances, services, information or other fulfilment with the aim of obtaining the goods, services or information without the required payment or they obtain the money illegally, and thus causes minor damage to the stranger's assets, shall be punished by a prison sentence of up to two years.

(2) A prison sentence of six months to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause larger damage,
- b) out of a special motive, or
- c) in a more serious manner of conduct.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause significant damage.

(4) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause damage of a large extent,
- b) as a member of a dangerous group, or
- c) in a crisis situation.

#### Section 227

##### **Fraudulent Bankruptcy**

(1) Whoever with the intention to cause harm to another person or to procure an illegal benefit for themselves or another person causes the bankruptcy of a legal entity for which they are a statutory authority or authorised agent by using, even partially, the assets of this legal entity

- a) for the establishment of another legal entity or
- b) to obtain their stakes in another legal entity, or whoever acts with the intention to cause the bankruptcy of the legal entity, for which they are a statutory authority or authorised agent,  
shall be punished by a prison sentence of up to three years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause larger damage or obtain a larger benefit for themselves or another person.

(3) A prison sentence of two to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause significant damage or thus obtain a significant benefit for themselves or another person, or
- b) in a more serious manner of conduct.

(4) A prison sentence of five to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause damage of a large extent or thus obtain a benefit of a large extent for themselves or another person, or
- b) thus cause the bankruptcy of another person.

#### Section 228

### **Caused Bankruptcy**

(1) Whoever causes the bankruptcy of a legal entity and thus obstructs the satisfaction of the creditor to a larger extent by

- a) investing into the loss-making business without the corresponding financial cover,
- b) accepting or providing unfavourable credit to a legal entity in terms of equity options,
- c) destroying, damaging, donating or concealing or otherwise removing, even in part, the assets of such legal entity to the detriment of the creditor of the legal entity,
- d) using a greater proportion of income from the entrepreneurial activities of the legal entity for their personal use, or
- e) depositing, even in part, the income from the entrepreneurial activities of the legal entity into lotteries, gambling or betting, shall be punished by a prison sentence of up to three years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who acts in a manner referred to in Subsection 1 Paragraphs a) through e), and the bankruptcy of the legal entity was averted only by the provision of a contribution or through another measure from the public authority, local government, or public institution, although such authorities were not obligated to do so.

(3) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2 and thus cause significant damage.

(4) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) and thus cause damage of large extent, or
- b) thus cause bankruptcy to another person.

### Section 229

#### **Operation of Dishonest Gambling and Betting**

(1) Whoever operates a monetary or another similar gambling or betting the rules of which do not guarantee the same opportunity of winning to all participants, shall be punished by a prison sentence of one to five years.

(2) An offender shall be punished by a prison sentence of four to eight years if they committed an act referred to in Subsection 1

- a) and thus cause larger damage, or
- b) out of a special motive.

(3) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause significant damage, or
- b) in a more serious manner of conduct.

(4) A prison sentence of twelve to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause damage of large extent, or
- b) as a member of a dangerous group.

### Section 230

#### **Unauthorised Operation of Lotteries and Similar Gambling**

(1) Whoever operates a lottery or other similar gambling without authorisation shall be punished by a prison sentence of one to five years.

(2) An offender shall be punished by a prison sentence of four to eight years if they committed an act referred to in Subsection 1

- a) and thus cause larger damage, or
- b) out of a special motive.

(3) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause significant damage, or
- b) in a more serious manner of conduct.

(4) A prison sentence of twelve to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause damage of large extent, or
- b) as a member of a dangerous group.

### **Sharing**

#### **Section 231**

(1) Whoever acquires, holds in their possession, uses, conceals, transfers to themselves or another person, rents out, or accepts as an advance

- a) an item which was obtained by a criminal offence committed by another person or
- b) any item that was procured for such an item,  
shall be punished by a prison sentence of up to three years.

(2) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and obtain a larger benefit for themselves or another person,
- b) out of a special motive, or
- c) use such an item for entrepreneurial activities.

(3) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and obtain a significant benefit for themselves or another person, or
- b) in a more serious manner of conduct.

(4) A prison sentence of twelve to twenty years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and obtain a benefit of a large extent for themselves or another person, or
- b) as a member of a dangerous group.

#### **Section 232**

(1) Whoever conceals or transfers to themselves or another person, even out of negligence, an item of a larger value, which was obtained by a criminal offence committed by another person, shall be punished by a prison sentence of up to one year.

(2) An offender shall be punished by a prison sentence of six months to three years, if they committed an act referred to in Subsection 1 and allow another person to obscure the origin, or the discovery of the origin, of the item obtained by a criminal activity committed on the territory of the Slovak Republic or abroad.

(3) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and obtain a significant benefit for themselves or another person,
- b) in a more serious manner of conduct, or
- c) in relation to items originating from the trafficking of narcotics, psychotropic, nuclear or high-risk chemical substances with high-risk biological agents and toxins, or from another particularly serious crime.

(4) A prison sentence of three to eight years shall be imposed upon an offender if they obtained a benefit of a large extent for themselves or another person by committing an act referred to in Subsection 1.

### **Money Laundering**

#### **Section 233**

(1) Whoever, in regard to income or an item originating from a criminal activity with the intention to conceal the

existence of such income or items, conceal their origins in the criminal activity, or their determination or use for the commission of a criminal offence, or obstruct their impoundage for the purpose of criminal proceedings or their forfeiture or confiscation,

a) transfers to themselves or another person, lends, borrows, transfers in a bank or branch of a foreign bank, imports, transports, brings, moves, leases or otherwise procures for themselves or another person, or

b) holds, stores, conceals, uses, consumes, destroys, alters or damages,  
shall be punished by a prison sentence of two to five years.

(2) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) out of a special motive, or

b) obtain a larger benefit for themselves or another person.

(3) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) as a public official,

b) and thus obtain a significant benefit, or

c) in a more serious manner of conduct.

(4) A prison sentence of twelve to twenty years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) and obtain a benefit of a large extent for themselves or another person,

b) in relation to items originating from the trafficking of narcotics, psychotropic, nuclear or high-risk chemical substances, with weapons and persons or from another particularly serious crime, or

c) as a member of a dangerous group.

#### Section 234

(1) Whoever fails to report or announce, even though they are obligated to do so by their employment, occupation, position or function,

a) facts suggesting that another person committed the criminal offence of money laundering under Section 233, or

b) an unusual business transaction,  
shall be punished by a prison sentence of two to eight years.

(2) The act referred to in Subsection 1 is not criminal if the offender could not make the report or announcement without putting themselves or a close person in danger of criminal prosecution.

#### Section 235

#### Usury

(1) Whoever abuses another person's distress, inexperience or mental weakness or stress, solicits for themselves or another person or promises fulfilment, the value of which is grossly disproportionate to the value of mutual performance, or whoever exercises such a receivable or intends to apply it, or transfer to themselves shall be punished by a prison sentence of one to five years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who provides performance without authorisation, contrary to the issued authorisation, or breaches consumer's rights protected by law, and accepts either for themselves or for another person the provision or promise of performance the value of which is grossly disproportionate to the value of the mutual performance, or enforces such receivable or transfers it to themselves with the intention of enforcing it.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or Subsection 2

a) and thus cause larger damage,

b) against a protected person, or

c) out of a special motive.

(4) A prison sentence of five to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or Subsection 2

a) and thus cause significant damage, or

b) in a more serious manner of conduct.

(5) A prison sentence of ten to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or Subsection 2

a) and thus cause damage of large extent, or

b) as a member of a dangerous group.

#### Section 236

##### **Concealing of Items**

(1) Whoever appropriates a stranger's item of minor value which came into their power through finding, error or otherwise without the permission of the authorised person, shall be punished by a prison sentence of up to one year.

(2) A prison sentence of six months to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause larger damage.

##### **Violations of Obligations of Trust**

#### Section 237

(1) Whoever causes minor damage to another person by violating an obligation provided by generally binding regulations or an obligation imposed by a final decision of the court or arising from a contract to care for or manage foreign assets, shall be punished by a prison sentence of up to two years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) and thus cause larger damage, or

b) out of a special motive.

(3) A prison sentence of three to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) and thus cause significant damage, or

b) in a more serious manner of conduct.

(4) A prison sentence of ten to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) and thus cause damage of large extent, or

b) as a member of a dangerous group.

#### Section 238

Whoever, even out of negligence, causes significant damage to another person by violating an obligation provided by generally binding regulations or an obligation imposed by a final decision of the court to care for or manage foreign assets, shall be punished by a prison sentence of up to two years.

#### Section 239

##### **Damage to a Creditor**

(1) Whoever, even in part, obstructs the satisfaction of their creditor by

a) destroying, damaging, rendering useless, concealing, selling, exchanging or otherwise removing even a part of their assets,

b) burdening the item that is the subject of the commitment or leases it,

c) pretending or recognising a non-existent right or commitment, or refers their receivable, or assumes the debt of another person, even though they were not obligated or authorised to do so, or

d) pretending to reduce or lose their assets,  
shall be punished by a prison sentence of up to two years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who, even in part, obstructs the satisfaction of the creditor of another person by

a) destroying, damaging, rendering useless, concealing, selling, exchanging, donating or otherwise removing, even a part of the assets of the debtor, or

b) applying a non-existent right or receivable to the assets of the debtor.

(3) A prison sentence of six months to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

a) and thus cause larger damage, or

b) out of a special motive.

(4) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2 and thus cause significant damage.

(5) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

a) and thus cause damage of a large extent,

b) and thus cause bankruptcy to another person, or

c) in a more serious manner of conduct.

#### Section 240

##### **Favouring of a Creditor**

(1) Whoever is not able to fulfil their payable commitments as the debtor and obstructs, even only in part, the satisfaction of their creditor by favouring another creditor, shall be punished by a prison sentence of up to two years.

(2) A prison sentence of six months to three years shall be imposed upon an offender if they caused larger damage by committing an act referred to in Subsection 1.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they caused damage of large extent by committing an act referred to in Subsection 1.

#### Section 241

##### **Machinations in Connection with the Bankruptcy and Settlement Proceedings**

(1) Whoever, as a bankruptcy creditor in connection with a vote on a forced settlement or as a creditor in connection with a vote on a settlement proceeding, or as a creditor in connection with a vote on the approval of a restructuring plan, accepts or accepts the promise of assets or another benefit shall be punished by a prison sentence of six months to three years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who provides, offers, or promises assets or another benefit to the creditor for their consent in connection with the vote on the forced settlement.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

a) out of a special motive, or

b) in a more serious manner of conduct.

##### **Obstruction of Bankruptcy or Settlement Proceedings**

#### Section 242

(1) Whoever obstructs bankruptcy, settlement proceedings, proceedings on restructuring or proceedings on debt relief by

a) failing to comply with the obligations imposed on them by law, which governs such proceedings, including the obligation to file a petition in bankruptcy in time, or

b) giving false information in the list of assets and liabilities,  
shall be punished by a prison sentence of six months to five years.

(2) A prison sentence of three to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) and thus cause larger damage,

b) out of a special motive, or

c) in a more serious manner of conduct.

#### Section 243

(1) Whoever obstructs the bankruptcy proceedings by

- a) concealing an item belonging in the bankruptcy assets,
- b) rendering it impossible for an item to be included or evaluated in the bankruptcy assets,
- c) failing to release an item belonging in the bankruptcy assets, or
- d) holding, counterfeiting or destroying information on the assets or financial activities of the debtor,  
shall be punished by a prison sentence of up to two years.

(2) A prison sentence of six months to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause larger damage.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause significant damage, or
- b) in a more serious manner of conduct.

(4) A prison sentence of four to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause damage of large extent.

#### Section 243a

### **Obstruction of Enforcement Proceedings**

(1) Whoever obstructs enforcement proceedings by

- a) giving false information in the statement of their assets,
- b) rendering it impossible for an item subject to execution to be taken down or evaluated,
- c) holding, counterfeiting, changing or destroying the recorded information on the assets or financial activities of the obliged party,
- d) removing, damaging or destroying a movable asset included in the inventory, or
- e) failing to release an item subject to execution,  
shall be punished by a prison sentence of up to two years.

(2) A prison sentence of six months to three years shall be imposed upon an offender if they caused larger damage by committing an act referred to in Subsection 1.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they caused damage of large extent by committing an act referred to in Subsection 1.

#### Section 244

### **Violation of the Prohibition of Competition**

(1) Whoever, as a person obligated to comply with the prohibition of competition under the law, violates such prohibition stipulated under such law and thus causes larger damage to another person, shall be punished by a prison sentence of six months to three years.

(2) A prison sentence of two to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause damage of a large extent.

### **Damage to a Stranger's Item**

#### Section 245

(1) Whoever destroys, damages or renders useless a stranger's item, and thus causes minor damage to a stranger's assets, shall be punished by a prison sentence of up to one year.

(2) A prison sentence of six months to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause larger damage, or
- b) out of a special motive.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause significant damage,
- b) on an item, which is protected under a special regulation, or
- c) in a more serious manner of conduct.

(4) A prison sentence of seven to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause damage of large extent, or
- b) as a member of a dangerous group.

#### Section 246

(1) Whoever damages a stranger's item by spraying, painting, drawing on it with paint or another substance shall be punished by a prison sentence of up to one year.

(2) A prison sentence of six months to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause larger damage, or
- b) out of a special motive.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) on an item that is protected under a special regulation,
- b) and thus cause significant damage, or
- c) in a more serious manner of conduct.

(4) A prison sentence of seven to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause damage of a large extent.

#### Section 247

##### **Illegal Access to a Computer System**

(1) Whoever overcomes security measures, thus obtaining illegal access to a computer system or part thereof, shall be punished by a prison sentence of up to two years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause significant damage.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause damage of a large extent, or
- b) as a member of a dangerous group.

#### Section 247a

##### **Illegal Intervention into a Computer System**

(1) Whoever restricts or interrupts the functioning of a computer system or part thereof by

- a) illegally entering, transmitting, damaging, deleting, reducing the quality of, altering or suppressing computer data or making them inaccessible, or
- b) illegally intervening into the hardware or software of a computer and destroying, damaging, deleting, altering the obtained information or reducing the quality of the obtained information,  
shall be punished by a prison sentence of six months to three years.

(2) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause significant damage,
- b) and thus cause serious failure in the activities of a state authority, local government authority, court or other public authority,
- c) by misusing the personal data of another person in order to gain the trust of a third party.

(3) An offender shall be punished by a prison sentence of four to ten years if they committed an act referred to in Subsection 1

- a) and thus cause damage of a large extent,
- b) and thus cause serious failure in critical infrastructure, or
- c) as a member of a dangerous group.

#### Section 247b

##### **Illegal Intervention into Computer Data**

(1) Whoever intentionally damages, deletes, alters, suppresses or makes computer data inaccessible or reduces their quality in a computer system or part thereof, shall be punished by a prison sentence of six months to three years.

(2) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause significant damage,
- b) and thus cause serious failure in the activities of a state authority, local government authority, court or other public authority,
- c) by misusing the personal data of another person in order to gain the trust of a third party.

(3) An offender shall be punished by a prison sentence of four to ten years if they committed an act referred to in Subsection 1

- a) and thus cause damage of a large extent,
- b) and thus cause serious failure in critical infrastructure, or
- c) as a member of a dangerous group.

#### Section 247c

##### **Illegal Capture of Computer Data**

(1) Whoever illegally captures computer data through technical means of non-public transmissions of computer data to or from or within a computer system, including electromagnetic emissions from a computer system that contains such computer data, shall be punished by a prison sentence of six months to three years.

(2) Whoever as an employee of a provider of an electronic communications service commits the act referred to in Subsection 1 or intentionally facilitates the commission of such act by another person, or alters or suppresses a message submitted through an electronic communications service, shall be punished by a prison sentence of one to five years.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) out of a special motive,
- b) in a more serious manner of conduct, or
- c) and thus cause significant damage.

(4) A prison sentence of four to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) and thus cause damage of a large extent, or
- b) as a member of a dangerous group.

#### Section 247d

##### **Production and Possession of Access Devices, Passwords to Computer Systems or other Data**

(1) Whoever, with the intention of committing the criminal offence of illegal access to a computer system under Section 247, illegal intervention into a computer system under Section 247a, illegal intervention into computer data under Section 247b or illegal capture of computer data under Section 247c, produces, imports, procures, buys, sells, exchanges, puts into circulation or howsoever provides access to

- a) a device, including a computer programme, created for illegally accessing a computer system or part thereof, or
- b) a computer password, access code or similar data enabling access to a computer system or part thereof, shall be punished by a prison sentence of up to two years.

(2) A prison sentence of six months to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause significant damage.

(3) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) and thus cause damage of a large extent, or

b) as a member of a dangerous group.

#### Section 248

##### **Abuse of Ownership**

(1) Whoever damages an important cultural interest or another general interest by destroying, damaging, rendering useless or misplacing an item or any part thereof that is protected under a special regulation, shall be punished by a prison sentence of up to two years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause larger damage.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause significant damage.

(4) A prison sentence of four to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause damage of a large extent or another particularly serious consequence.

#### Section 248a

##### **Damage and Devaluation of a Cultural Monument**

(1) Whoever damages, devalues or destroys, even out of negligence, any immovable item that is a cultural monument or obstructs proceedings for declaring an immovable item a cultural monument and thus causes significant damage shall be punished by a prison sentence of up to one year.

(2) A prison sentence of six months to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) in a more serious manner of conduct,

b) out of a special motive, or

c) thus obtain a larger benefit for themselves or another person.

(3) A prison sentence of two to six years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) as a member of a dangerous group,

b) and thus cause damage of large extent, or

c) on a territory enjoying protection under a special regulation.

#### Section 249

##### **Damage and Devaluation of Archaeological Heritage**

(1) Whoever illegally searches for, digs out or otherwise removes from the place of a finding, relocates or keeps an archaeological finding or otherwise damages or devaluates any archaeological heritage shall be punished by a prison sentence of up to two years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) using a metal detector or any other detection device,

b) out of a special motive,

c) to a larger extent, or

d) although they were previously charged for a similar act in the last twelve months or convicted for such an act in the last twenty-four months.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) to a significant extent, or
- b) in a more serious manner of conduct.

(4) A prison sentence of five to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) to a large extent,
- b) as a member of a dangerous group,
- c) on a territory enjoying protection under a special regulation, or
- d) in a crisis situation.

#### Section 249a

### **Counterfeiting Objects of Cultural Value**

(1) Whoever illegally produces, copies or alters an object of cultural value in order that it be considered genuine or whoever procures or possesses such object for themselves or any other person shall be punished by a prison sentence of up to two years.

(2) A prison sentence of one year to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) out of a special motive,
- b) to a larger extent, or
- c) through a computer system.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct, or
- b) to a significant extent.

(4) A prison sentence of five to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) to a large extent,
- b) as a member of a dangerous group, or
- c) if it is an object of cultural value enjoying protection under a special regulation.

## CHAPTER FIVE

### ECONOMIC CRIMINAL OFFENCES

#### Division I

#### **Criminal Offences that Threaten the Market Economy**

#### Section 250

#### **Abuse of Participation in Tenders**

(1) Whoever abuses participation in a tender by

- a) damaging the reputation of the competitor through unfair competition in economic relations, or
- b) conduct which is contrary to the law governing the protection of tenders, and thus causes significant damage to another competitor or endangers the operation of their business,  
shall be punished by a prison sentence of up to three years.

(2) A prison sentence of two to six years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause damage of a large extent,
- b) and thus cause a bankruptcy of the business of another competitor,

- c) out of a special motive, or
- d) in a more serious manner of conduct.

#### Section 251

##### **Illegal Enterprise**

(1) Whoever illegally conducts entrepreneurial activities in a small extent shall be punished by a prison sentence of up to one year.

(2) A prison sentence of six months to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct,
- b) by the use of another person as an employee,
- c) thus obtain a larger benefit,
- d) as a public official or in connection with the execution of their employment, occupation or function, or
- e) by providing, without professional qualification, services or other professional activities which, by law, can only be carried out by those who have professional competence.

(3) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause significant damage.

(4) An offender shall be punished by a prison sentence of four to eight years if they committed an act referred to in Subsection 1

- a) and thus cause damage of a large extent, or
- b) as a member of a dangerous group.

#### Section 251 a

##### **Illegal Employment**

(1) Whoever illegally employs a person residing in the Slovak Republic contrary to generally binding legal regulations although they were charged for a similar act in the last twenty-four months shall be punished by a prison sentence of up to two years.

(2) A prison sentence of six months to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1, notwithstanding any previous punishment for a similar act,

- a) against a protected person,
- b) in a more serious manner of conduct,
- c) under particularly exploitative working conditions, including working conditions arising as a result of discrimination where there is an obvious disproportion compared to the working conditions of legitimately employed persons affecting their health and safety and which are contrary to human dignity, or
- d) against a person who is a victim of human trafficking.

#### Section 251 b

##### **Unfair Liquidation**

(1) Whoever, with the intention to obstruct termination of an entrepreneurial activity by liquidation, seeks out or intermediates another person who only lends their name and surname and their identity to take over the rights and obligations they are actually not interested to exercise and fulfil, for the purpose of transferring a participation in the legal entity to such a person or for the purpose of designating such a person as the statutory body or a member of the statutory body of the legal entity, shall be punished by a prison sentence of up to five years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who, with the intention to obstruct the termination of an entrepreneurial activity by liquidation, transfers a participation in the legal entity to a person who only lends their name and surname and their identity to take over the rights and obligations they are actually not interested in exercising and fulfilling.

(3) The same punishment referred to in Subsection 1 shall be imposed upon a person who lends their name and surname and their identity for the purpose of transferring a participation in the legal entity or for the purpose of designating such a person as the statutory body or a member of the statutory body of the legal entity, although they are not really interested in participation in the legal entity or in acting as the statutory body or a member of the statutory body of the legal entity, and should

or could have known that the person who transferred the participation in the legal entity to them or who designated them as the statutory body or a member of the statutory body of the legal entity had the intention to obstruct the termination of the entrepreneurial activity of the legal entity by liquidation.

(4) An offender shall be punished by a prison sentence of three to ten years if they committed an act referred to in Subsection 1, 2 or 3

- a) in a more serious manner of conduct, or
- b) thus caused larger damage.

(5) A prison sentence of five to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1, 2 or 3 and thus caused significant damage.

(6) A prison sentence of ten to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1, 2 or 3

- a) and thus caused damage of a large extent, or
- b) as a member of a dangerous group.

#### Section 252

##### **Illegal Trading in Foreign Exchange Assets and the Provision of Foreign Exchange Services**

(1) Whoever illegally trades in foreign exchange assets or illegally provides foreign exchange services

- a) in a more serious manner of conduct,
- b) to a larger extent, or
- c) although they were previously convicted for the same or a similar act in the last twenty-four months or they were charged with the same or a similar act in the last twelve months,  
shall be punished by a prison sentence of up to two years.

(2) A prison sentence of six months to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus obtain significant benefit.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus obtain a benefit of a large extent,
- b) as a member of a dangerous group, or
- c) in a crisis situation.

#### Section 253

##### **Unauthorised Production of Alcohol, Tobacco and Tobacco Products**

(1) Whoever produces alcohol, tobacco or tobacco products in bulk without authorisation or possesses alcohol, tobacco or tobacco products produced in bulk without authorisation or puts them into circulation shall be punished by a prison sentence of up to two years, unless it is an act more severely punishable.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who produces or possesses, without authorisation, equipment for the production of alcohol, tobacco or tobacco products.

#### Section 254

##### **Violation of Regulations on the Circulation of Goods in Foreign Relations**

(1) Whoever endangers general interest to a larger extent by violating the prohibition or restriction on the import, export or transit of goods shall be punished by a prison sentence of up to two years.

(2) Whoever reduces or fails to pay customs duties or other fees levied under the law on imported goods to a larger extent shall be punished by a prison sentence of six months to three years.

(3) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2 with at least two other persons.

(4) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) and thus cause significant damage or another particularly serious consequence, or

b) in a more serious manner of conduct.

(5) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

a) and thus cause damage of a large extent, or

b) as a member of a dangerous group.

### **Violation of Regulations on the Handling of Controlled Goods and Technology**

#### **Section 255**

(1) Whoever violates the prohibition or restriction related to the handling of goods and technology controlled under special regulations shall be punished by a prison sentence of up to three years.

(2) Whoever, without authorisation, exports goods or technology controlled under special regulations or transfers them to a foreign State or organisation that has its registered office located abroad, or to a foreign agent, shall be punished by a prison sentence of three to eight years.

#### **Section 256**

(1) Whoever violates or fails to comply with an important obligation arising out of their employment, occupation, position or their function and thus causes, by illegally issuing an authorisation for the handling of goods and technology controlled under special regulations or if such goods are omitted from the register, shall be punished by a prison sentence of three years.

(2) A prison sentence of six months to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) and thus the goods were received abroad,

b) and thus cause significant damage, or

c) with the intention to obtain a significant benefit.

(3) An offender shall be punished by a prison sentence of four to eight years if they committed an act referred to in Subsection 1

a) and thus cause damage of a large extent,

b) with the intention to obtain a benefit of a large extent, or

c) as a member of a dangerous group.

#### **Section 257**

(1) Whoever achieves on the basis of false or incomplete information the issue of a document necessary for authorities inspecting goods and technologies under special regulations, shall be punished by a prison sentence of up to two years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who destroys, damages, renders useless, conceals or does not keep records of the documents necessary for the registration of goods and technology controlled under special regulations, or who intervenes with the technical or programming equipment of the computer that includes the records of such goods and technologies.

#### **Section 258**

### **Endangering of Foreign Exchange Economy**

(1) Whoever endangers the foreign exchange economy by a violation of the foreign exchange regulations to a minor extent during the duration of the deposit obligation or a state of emergency in the foreign exchange economy shall be punished by a prison sentence of six months to three years.

(2) A prison sentence of two to six years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) and thus cause significant damage, or

b) in a more serious manner of conduct.

(3) An offender shall be punished by a prison sentence of four to ten years if they committed an act referred to in Subsection 1

a) and thus cause damage of a large extent,

- b) as a member of a dangerous group, or
- c) in a crisis situation.

## **Division II**

### **Criminal Offences against Economic Discipline**

#### **Misrepresentation of Data of Economic and Commercial Records**

##### Section 259

(1) Whoever gives false or grossly misleading information or conceals compulsory data on important facts in a statement, in a report, in the input data entered into a computer or in other documents used for

- a) statistical surveys, with the intention to provide for themselves or another person an illegal advantage,
  - b) employee records, with the intention to provide for themselves or another person an illegal advantage,
  - c) the inspection of accounts,
  - d) the inspection of the use of grants, subsidies or another fulfilment from the State budget, from the budget of public institutions, from the budget of the State fund, from the budget of the higher territorial unit or from a municipal budget,
  - e) the determination of the value of assets or the rate of securities in its transfer or assignment to another person,
  - f) bankruptcy, settlement, restructuring or debt relief, or
  - g) incorporation in the Commercial Register or Land Register, Motor Vehicle Register or another register under a separate regulation,
- shall be punished by a prison sentence of six months to three years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who, with the intention referred to in Subsection 1,

- a) intervenes in the technical or programming utilities of a computer, or
- b) destroys, damages, or renders useless or fails to list the documents referred to in Subsection 1.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) and thus cause significant damage,
- b) in a more serious manner of conduct, or
- c) out of a special motive.

(4) A prison sentence of five to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) and thus cause damage of a large extent, or
- b) cause a particularly serious failure in the operation of the Slovak Republic economy or another particularly serious consequence.

##### Section 260

Whoever out of negligence commits a criminal offence of misrepresentation of economic and commercial registration through the conduct referred to in Section 259 Subsection 1, except for Paragraph a) or b), and causes damage of a large extent, shall be punished by a prison sentence of three to eight years.

#### **Damage to the Financial Interests of the European Union**

##### Section 261

(1) Whoever uses or submits a counterfeit, incorrect or incomplete statement or document or fails to provide compulsory information, and thus facilitates an unlawful retention of funds or other assets from the budget of the European Union or a budget managed by the European Union or in the name of the European Union or the use of such funds or assets for other than the specified purpose, shall be punished by a prison sentence of six months to three years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who uses funds or other assets from the budget of the European Union or a budget managed by the European Union or in the name of the European Union, for other than the specified purpose.

(3) A prison sentence of one to four years shall be imposed upon an offender if, as an employee, member, agent or another person authorised to act on behalf of those who provide the funds or other assets referred to in Subsection 1, they allow another person to obtain funds or other assets referred to in Subsection 1 despite knowing that such person does not meet the terms set out for their provision, or they allow their unlawful retention or use for other than the specified purpose.

(4) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1, 2 or 3

- a) and thus cause larger damage,
- b) out of a special motive, or
- c) in a more serious manner of conduct.

(5) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1, 2 or 3 and thus cause significant damage.

(6) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1, 2 or 3

- a) and thus cause damage of a large extent, or
- b) as a member of a dangerous group.

#### Section 262

(1) Whoever violates or fails to fulfil obligations arising from their employment, occupation, position or function in the management or control of activities of persons managed by them, and thus facilitates the commission of a criminal offence under Section 261 Subsection 1, shall be punished by a prison sentence of up to two years.

(2) A prison sentence of one to four years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause significant damage.

(3) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause damage of a large extent.

#### Section 263

(1) Whoever, out of negligence, damages the financial interests of the European Union through the conduct referred to in Section 261 Subsection 1, shall be punished by a prison sentence of up to one year.

(2) A prison sentence of one to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause significant damage.

#### Section 264

### **Endangering of Trade, Banking, Postal, Telecommunications and Tax Secrets**

(1) Whoever elicits trade secrets, bank secrets, postal secrets, telecommunications secrets or tax secrets with the intention of disclosing them to an unauthorised person, or whoever intentionally discloses such secrets to an unauthorised person, shall be punished by a prison sentence of six months to three years.

(2) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause larger damage,
- b) out of a special motive, or
- c) in a more serious manner of conduct.

(3) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause damage of a large extent,
- b) as a member of a dangerous group, or
- c) in a crisis situation.

#### Section 265

### **Insider Trading**

(1) Whoever illegally uses information, which is not yet publicly accessible and which they obtained through their employment, occupation, position or function and the disclosure of which could significantly affect the decision-making in trade,

and performs or instigates the performance of a contract or operation on an organised stock or commodities market, or whoever illegally uses confidential information under a special regulation or whoever discloses such confidential information to an unauthorised person, shall be punished by a prison sentence of up to four years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who, as an employee, member of a statutory authority, shareholder, entrepreneur or a participant in the business of two or more enterprises or legal entities with the same or similar activity, concludes or instigates the conclusion of a contract at the expense of one or more of them with the intention referred to in Subsection 1.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) and thus cause larger damage,
- b) out of a special motive, or
- c) in a more serious manner of conduct.

(4) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) and thus cause damage of a large extent, or
- b) as a member of a dangerous group.

#### Section 265a

#### **Market Manipulation**

(1) Whoever illegally

- a) gives false or grossly misleading information about the supply or demand or about the price of a financial instrument or a related spot agreement concerning commodities,
- b) causes achievement or maintenance of the price of a financial instrument or a related spot agreement concerning commodities on an unnatural or artificial level,
- c) manipulates the calculation of a market reference value,  
shall be punished by a prison sentence of up to four years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who, through fraudulent conduct or machination, makes a transaction, gives instruction to make a transaction or commits some other conduct influencing the price of a financial instrument or a related spot agreement concerning commodities.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or Subsection 2

- a) and thus caused larger damage,
- b) out of a special motive, or
- c) in a more serious manner of conduct.

(4) A prison sentence of four to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or Subsection 2 and thus cause significant damage.

(5) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or Subsection 2

- a) and thus cause damage of a large extent, or
- b) as a member of a dangerous group.

#### **Machinations in Public Procurement and Public Auction**

#### Section 266

(1) Whoever, in connection to a public procurement or a public auction, breaches generally binding legal regulations on public procurement or public auction with the intention to cause damage to another person or to procure a benefit for themselves or another person, or negotiates priority or favourable conditions for one of the competitors or participants in a public auction at the expense of other competitors or participants in a public auction, shall be punished by a prison sentence of six months to three years.

(2) A prison sentence of two to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause significant damage,
- b) out of a special motive,
- c) as an announcer and organiser of the tender or public auction, a member of the privatisation commission or the auctioneer,
- d) and request, accept or accept the promise of assets or another benefit, or
- e) in a more serious manner of conduct.

(3) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause damage of a large extent, or
- b) as a member of a dangerous group.

#### Section 267

Whoever commits machinations in connection with public procurement by

- a) forcing another person in a serious manner to refrain from participation in public procurement,
- b) providing, offering or promising assets or another benefit to another person for refraining from participation in a public procurement, or
- c) requesting or accepting assets or another benefit for refraining from participation in a public procurement, shall be punished by a prison sentence of one to five years.

#### Section 268

Whoever commits machinations, in connection with a public auction of items, by

- a) forcing another person in a serious manner to refrain from participation in submitting auction bids,
- b) providing, offering or promising assets or another benefit for another person for refraining from submitting auction bids during a public auction, or
- c) requesting or accepting assets or another benefit for refraining from submitting auction bids during a public auction, shall be punished by a prison sentence of one to five years.

#### Section 269

##### **Damage to a Consumer**

(1) Whoever damages consumers and thus causes them a minor damage, by

- a) lying to consumers on the quality, quantity or weight of goods or on the type, quality and quantity of the provided performance,
- b) introducing products, labour or services to the market while concealing their material defects, or
- c) determining the price offer, as the authorised person for the seller, based on which the goods are sold or the services are provided at a price exceeding the limit set out by generally binding legal regulations or a decision issued on its basis, shall be punished by a prison sentence of six months to three years.

(2) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and obtain a larger benefit for themselves or another person,
- b) against a protected person,
- c) in a more serious manner of conduct, or
- d) although they were previously convicted for such act, or they were released from the serving of a prison sentence imposed for such an act in the last twenty-four months.

(3) A prison sentence of four to ten years shall be imposed upon an offender if they obtained a significant benefit for themselves or another person or caused the failure of the supply by committing an act referred to in Subsection 1.

(4) A prison sentence of seven to twelve years shall be imposed upon an offender if they obtained a benefit of a large extent for themselves or another person by committing an act referred to in Subsection 1.

#### Section 269a

### **Unfair Business Practices against Consumers**

(1) Whoever violates the rights of the consumer through conduct based on business practices, which are considered unfair in all circumstances under special regulations on consumer protection,

a) although they were previously convicted for such act or they were released from the serving of a prison sentence imposed for such an act in the last twenty-four months, or

b) although they were previously convicted for similar act in the last twenty-four months, shall be punished by a prison sentence of six months to three years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who violates the rights of a consumer by giving an order for a procedure based on business practices under Subsection 1, although they were previously convicted for a similar act in the last twenty-four months.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or Subsection 2 against a protected person.

### **Division III**

#### **Currency and Tax related Criminal Offences**

##### **Section 270**

#### **Counterfeiting, Alteration and Unlawful Production of Money and Securities**

(1) Whoever procures counterfeited, altered or illegally produced money or securities for themselves or another person, or whoever possesses such money or securities, shall be punished by a prison sentence of three to eight years.

(2) Whoever counterfeits, alters or illegally produces money or securities or who counterfeits, alters or illegally produces money or securities with the intention of using them as genuine or as money or securities of a higher value, or whoever gives counterfeited, altered or illegally produced money or securities as genuine, shall be punished by a prison sentence of seven to ten years.

(3) A prison sentence of ten to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

a) in a more serious manner of conduct, or

b) on a larger scale.

(4) A prison sentence of twelve to twenty years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

a) as a member of a dangerous group, or

b) on a large scale.

##### **Section 271**

#### **Introduction of Counterfeit, Altered and Illegally Produced Money and Securities**

(1) Whoever imports, exports, transports, accepts or obtains counterfeit, altered or illegally produced money and securities with the aim of putting them into circulation shall be punished by a prison sentence of seven to ten years.

(2) Whoever puts counterfeit or altered, or illegally produced money, which they were paid in as genuine, into circulation as genuine shall be punished by a prison sentence of up to two years.

(3) The same punishment referred to in Subsection 2 shall be imposed upon a person who uses counterfeit or altered, or illegally produced securities as genuine.

##### **Section 272**

#### **Production and Possession of Counterfeiting Equipment**

(1) Whoever produces, procures for themselves or another person, or possesses equipment or another object, or a computer programme designed for the counterfeiting or alteration of money or security features, securities, public documents, official seals and official locks or symbols, shall be punished by a prison sentence of up to three years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who, using a device or material intended for the production of money, illegally produces, accepts, obtains or possesses holograms, watermarks or other protective features of money that serve for protection against its being counterfeited.

(3) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2 in the performance of their occupation.

Section 273

**Endangering Money Circulation**

Whoever, without legal reason, refuses domestic money or damages domestic money shall be punished by a prison sentence of up to six months.

Section 274

**Counterfeiting, Alteration and illegal Production of Duty Stamps, Postage Stamps, Stickers and Stamps**

(1) Whoever counterfeits, alters or illegally produces duty stamps, domestic or foreign postage stamps, including stamps withdrawn from circulation, postal labels or postage stamps with the intention to cause damage to another person or to procure an illegal benefit for themselves or another person, or whoever introduces such duty stamps, postage stamps, stickers or stamps into circulation or uses them as genuine, shall be punished by a prison sentence of up to one year.

(2) A prison sentence of six months to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus obtain a larger benefit,
- b) out of a special motive, or
- c) in a more serious manner of conduct.

(3) An offender shall be punished by a prison sentence of four to eight years if they committed an act referred to in Subsection 1

- a) and thus obtain a benefit of a large extent, or
- b) as a member of a dangerous group.

Section 275

**Counterfeiting and Alteration of Control Technical Measures for the Identification of Goods**

(1) Whoever counterfeits or alters control stamps, control tapes, or other control technical measures for the identification of goods for tax purposes or other purposes stipulated by generally binding legal regulations with the intention to cause damage to another person or to procure an illegal benefit for themselves or another person, or whoever introduces such stamps into circulation or uses them as genuine, or possesses them, shall be punished by a prison sentence of up to one year.

(2) A prison sentence of six months to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus obtain a larger benefit,
- b) out of a special motive, or
- c) in a more serious manner of conduct.

(3) An offender shall be punished by a prison sentence of four to eight years if they committed an act referred to in Subsection 1

- a) and thus obtain a benefit of a large extent, or
- b) as a member of a dangerous group.

Section 276

**Reduction of Tax and Insurance**

(1) Whoever, to a minor extent reduces taxes, policy for social insurance, health insurance or contributions to pension insurance, shall be punished by a prison sentence of one to five years.

(2) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and they have already been convicted for such an act,
- b) and in order to facilitate the commission of such act they violate an official lock,
- c) in a more serious manner of conduct, or
- d) on a larger scale.

(3) A prison sentence of four to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1 to a significant extent.

(4) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1 to a large extent.

#### Section 277

##### **Tax and Insurance Evasion**

(1) Whoever, to a minor extent, holds and fails to pay the due taxes, policy for social insurance, health insurance or contributions to pensions to the designated recipient, which they deduct or collect under the law, with the intention to procure an illegal benefit for themselves or another person, shall be punished by a prison sentence of one to five years.

(2) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) in a more serious manner of conduct, or

b) on a larger scale.

(3) A prison sentence of four to ten years shall be imposed upon an offender if they caused significant damage by committing an act referred to in Subsection 1.

(4) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1 to a large extent.

#### Section 277a

##### **Tax Fraud**

(1) Whoever illegally claims a refund to a larger extent of value added tax or consumer tax with the intention to procure an illegal benefit for themselves or another person, shall be punished by a prison sentence of one to five years.

(2) An offender shall be punished by a prison sentence of four to ten years if they committed an act referred to in Subsection 1

a) and they have already been convicted for such an act,

b) to a significant extent, or

c) in a more serious manner of conduct.

(3) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) to a large extent, or

b) as a member of a dangerous group.

#### Section 278

##### **Failure to Pay Tax and Insurance**

(1) Whoever fails to pay tax due, policy for social insurance, health insurance or contributions to pension insurance to a larger extent shall be punished by a prison sentence of up to three years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 to a significant extent.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 to a large extent.

#### Section 278a

##### **Obstructing the Performance of Tax Administration**

(1) Whoever obstructs the performance of tax administration by

a) stating false or grossly misleading data or concealing compulsory data with regard to facts decisive for correct tax assessment in documents submitted for tax administration,

b) altering, invalidating or destroying documents decisive for correct tax assessment,

c) failing to fulfil the notification obligation imposed on them by law, or

d) failing to fulfil an obligation imposed on them by law during a tax inspection, despite having been convicted for a similar act in the last twelve months, shall be punished by a prison sentence of up to two years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) out of a special motive, or
- b) in a more serious manner of conduct.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 as a member of a dangerous group.

#### Section 279

##### **Violation of Regulations on State Technical Measures for the Identification of Goods**

(1) Whoever handles the control stamps, control tapes or other control technical measures for the identification of goods for tax purposes or other purposes stipulated by law in breach of generally binding legal regulations, with the intention of causing damage to another person or procuring for himself or another person an illegal benefit, or who in breach of generally binding legal regulations imports, exports, transports, has it transported, introduces into circulation or possesses goods without control stamps, control tapes or other control technical measures for the identification of goods for tax purposes or other purposes stipulated by law, shall be punished by a prison sentence of six months to three years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause larger damage,
- b) out of a special motive, or
- c) in a more serious manner of conduct.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause damage of a large extent, or
- b) as a member of a dangerous group.

#### Section 280

##### **Common Provisions**

Protection under this Division shall also, in addition to the valid money, be provided to invalid money during the period of its exchange, to money that was not released at the time of commission of the act but intended for release into circulation, as well as foreign money including the Euro and foreign securities, including foreign securities released in bulk, in the name of the owner or are transferable by endorsement.

#### Division IV

##### **Criminal Offences against Industrial Rights and against Copyright**

#### Section 281

##### **Violation of Rights to Trade Marks, Indication of the Origin and Business Name**

(1) Whoever puts into circulation goods or services that were illegally identified by an indication identical or confusingly similar to a trade mark to which the right of use belongs to another person shall be punished by a prison sentence of up to three years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who, in order to obtain an economic benefit

- a) puts goods illegally identified by an indication identical or confusingly similar to a registered designation of origin and geographical indication of the products, to which the right of use belongs to another person, into circulation, or
- b) illegally uses identification identical or confusingly similar to a business name or the name of a legal entity or a natural person.

(3) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) and thus cause significant damage,

- b) out of a special motive, or
- c) in a more serious manner of conduct.

(4) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) and thus cause damage of a large extent, or
- b) as a member of a dangerous group.

#### Section 282

##### **Violation of Industrial Rights**

(1) Whoever illegally intervenes in patent rights, utility models, designs, topographies of semiconductor products or the recognised plant varieties or species of animals, shall be punished by a prison sentence of up to three years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause significant damage, or
- b) in a more serious manner of conduct.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause damage of a large extent, or
- b) as a member of a dangerous group.

#### Section 283

##### **Violation of Copyright**

(1) Whoever illegally intervenes in the legally protected proprietary rights to works, artistic performance, audio recordings or audiovisual recordings, radio or television broadcasts or databases, shall be punished by a prison sentence of up to two years.

(2) A prison sentence of six months to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause larger damage,
- b) in a more serious manner of conduct,
- c) out of a special motive, or
- d) through a computer system.

(3) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause significant damage.

(4) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause damage of a large extent, or
- b) as a member of a dangerous group.

### CHAPTER SIX

#### CRIMINAL OFFENCES THAT ARE GENERALLY DANGEROUS AND AGAINST THE ENVIRONMENT

##### **Division I**

##### **Criminal Offences that are Generally Dangerous**

##### **General Threats**

#### Section 284

(1) Whoever intentionally

a) puts people in danger of death or grievous bodily harm or puts a stranger's assets in danger of damage to a large extent by causing fire or flood, or failure, or an accident by means of public transport, or adverse effects of explosives, gas, electricity, radioactivity or other similar hazardous substances or forces, or commits any similar dangerous procedure (general danger), or

b) increases the general danger or hinders the aversion or mitigation,  
shall be punished by a prison sentence of four to ten years.

(2) A prison sentence of ten to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) in a more serious manner of conduct,

b) against a protected person,

c) out of a special motive, or

d) with the intention to obstruct or hinder the application of another person's fundamental rights and freedoms.

(3) A prison sentence of fifteen to twenty years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) and thus cause grievous bodily harm or death, or

b) as a member of a dangerous group.

(4) A prison sentence of twenty to twenty-five years or a life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) and thus cause grievous bodily harm or the death of several persons, or

b) in a crisis situation.

#### Section 285

(1) Whoever causes or increases the general danger or hinders the aversion or mitigation out of negligence shall be punished by a prison sentence of up to one year.

(2) A prison sentence of six months to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1 in a more serious manner of conduct.

(3) A prison sentence of two to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause

a) significant damage, or

b) grievous bodily harm or death.

(4) An offender shall be punished by a prison sentence of four to ten years if they caused grievous bodily harm or the death of several persons by committing an act referred to in Subsection 1.

#### **Damaging and Endangering the Operation of a Generally Beneficial Device**

#### Section 286

(1) Whoever intentionally endangers the operation

a) of public telecommunications facilities, the public postal system or a means of public transport or removes, or renders useless a vertical prohibition or command road sign,

b) of a protective device against the leakage of pollutants,

c) of an energy facility or public water supply or public sewage,

d) of public protective equipment against fire, flood or other emergencies,

e) of submarine cable or submarine pipelines,

f) of defensive or protective equipment against air and other similar attacks or their consequences,

g) of forestry buildings and facilities, or

h) of a similar generally beneficial device,  
shall be punished by a prison sentence of one to five years.

(2) An offender shall be punished by a prison sentence of four to eight years if they committed an act referred to in

#### Subsection 1

- a) and thus cause a fault in the operation of a generally beneficial device, or
- b) in a crisis situation.

#### Section 287

Whoever intentionally destroys or renders useless a clearly marked sign of an astronomical geodetic network point or a basic levelling point, or a supporting gravimetric point, shall be punished by a prison sentence of up to one year.

#### Section 288

Whoever, out of negligence, endangers the operation of a generally beneficial device under Section 286, with the exception of vertical prohibition or command road signs, shall be punished by a prison sentence of up to six months.

#### Section 289

### **Endangerment under the Influence of Addictive Substances**

(1) Whoever in a state of incapacity brought upon themselves as a result of an addictive substance performs employment or another activity which could endanger the life or health of people or cause significant damage to property, shall be punished by a prison sentence of up to one year.

(2) The same punishment referred to in Subsection 1 shall be imposed on any person who while performing their employment or another activity stated in Subsection 1 refuses to undergo an examination to detect an addictive substance by means of a breath test or orientation testing device, or refuses to undergo a medical examination by means of taking and analysing blood or other biological material to ascertain whether they are under the influence of an addictive substance, despite there being no associated risk to their health during such examination.

(3) Whoever performs employment or another activity which could endanger the life or health of people or cause significant assets damage in a state excluding the capacity, which they gave rise to under the influence of an addictive substance,

- a) although they were previously convicted for such act or an act stated in Subsection 2 or they were released from the serving of a prison sentence imposed for such an act or an act stated in Subsection 2 in the last twenty-four months, or
- b) although they were previously convicted for a similar act under the influence of an addictive substance or an act stated in Subsection 2 in the last twenty-four months, or
- c) they caused, even out of negligence, bodily harm to another person or larger damage to a stranger's assets, shall be punished by a prison sentence of up to two year.

(4) An offender shall be punished by a prison sentence of two to five years, if they perform actions that could endanger the life or health of people or cause significant damage to assets in a state excluding the capacity, which they gave rise to under the influence of an addictive substance, during the performance of their employment, or another activity during which the impact of an addictive substance is particularly dangerous, especially if they drive a means of public transport.

#### Section 290

### **Violation of Obligations under Dire Distress**

(1) Whoever obstructs or hinders the aversion or mitigation of dire distress, which directly affects a group of people, so that without a serious reason

- a) they refuse to provide assistance, which is imposed on them by law or to which they committed, or
- b) they obstruct the provision of such assistance by another person, shall be punished by a prison sentence of up to two years.

(2) A prison sentence of six months to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct,
- b) against a protected person,
- c) out of a special motive, or
- d) despite the fact that they caused the dire distress themselves.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death, or

b) in a crisis situation.

#### Section 290a

##### **Violation of Obligations in a Crisis Situation**

(1) Whoever in a crisis situation refuses to perform or intentionally does not perform an obligation imposed by public authorities for the defence of the nation and the maintenance of its security, for the protection of life and health of people, for the protection of property, for the observance of fundamental rights and freedoms, for averting threats or for the recovery of a disrupted economy, particularly the proper functioning of supply, transport and public services in municipalities and the proper functioning of institutional authorities, shall be punished by a prison sentence of up to two years.

(2) A prison sentence of two to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) and thus cause grievous bodily harm or death, or

b) in a more serious manner of conduct.

#### Section 290b

##### **Evasion of Obligations in a Crisis Situation**

(1) Whoever in a crisis situation harms their own health, feigns a disease, counterfeits a document, abuses a habit-forming substance or uses another ruse with the intention to evade an obligation imposed by public authorities for the defence of the nation and the maintenance of its security, for the protection of life and health of people, for the protection of property, for the observance of fundamental rights and freedoms, for averting threats or for the recovery of a disrupted economy, particularly the proper functioning of supply, transport and public services in municipalities and the proper functioning of institutional authorities, shall be punished by a prison sentence of up to two years.

(2) A prison sentence of two to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) and thus cause grievous bodily harm or death, or

b) in a more serious manner of conduct.

##### **Threat to the Safety of an Aircraft or a Vessel**

#### Section 291

(1) Whoever, on board of an aircraft or a vessel, with the intent to obtain or take control over such means

a) uses violence against another person or the threat of imminent violence,

b) threatens another person with death, bodily harm or causing damage of a large extent, or

c) abuses the vulnerability of another person,  
shall be punished by a prison sentence of ten to fifteen years.

(2) A prison sentence of fifteen to twenty years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) and thus cause grievous bodily harm or death, or

b) in a more serious manner of conduct.

(3) A prison sentence of twenty to twenty-five years or a life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) and thus cause grievous bodily harm or the death of several persons,

b) as a member of a dangerous group, or

c) in a crisis situation.

#### Section 292

Whoever reports false information that may jeopardise the safety or operation of an aircraft or a vessel during operation, shall be punished by a prison sentence of up to three years.

#### Section 293

##### **Hijacking of an Aircraft to a Foreign State**

(1) Whoever, for the purpose of hijacking an aircraft to a foreign State, takes control of such means or illegally uses

such means that was entrusted to them, shall be punished by a prison sentence of seven to fifteen years.

(2) A prison sentence of fifteen to twenty-five years or a life prison sentence shall be imposed upon an offender who causes death by committing an act referred to in Subsection 1.

### **Carrying a Concealed Weapon and Arms Trafficking**

#### **Section 294**

(1) Whoever produces, imports, exports, transports, transfers, procures or possesses ammunition for themselves or another person without authorisation or mediates such activity, shall be punished by a prison sentence of one to five years.

(2) Whoever produces, imports, exports, transports, procures for themselves or another person or possesses a firearm, its components or parts without an authorisation, or without bearing a firearm identification mark under an international treaty by which the Slovak Republic is bound, or mediates such activity, shall be punished by a prison sentence of three to eight years.

(3) The same punishment referred to in Subsection 2 shall be imposed upon an offender if they counterfeit, illegally obliterate, remove or otherwise modify the mark on a firearm required for its identification and monitoring under an international treaty by which the Slovak Republic is bound.

(4) An offender shall be punished by a prison sentence of four to ten years if they committed an act referred to in Subsection 1, 2 or 3

- a) in a more serious manner of conduct,
- b) out of a special motive, or
- c) on a larger scale.

(5) A prison sentence of eight to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1, 2 or 3

- a) as a member of a dangerous group,
- b) to a large extent, or
- c) in a crisis situation.

#### **Section 295**

(1) Whoever, without authorisation

- a) produces, imports, exports, transports, transfers, procures or possesses a weapon of mass effect for themselves or another person or any part thereof, or a component,
- b) stockpiles firearms, weapons of mass effect, ammunition or explosives, or
- c) mediates any of the activities referred to in Paragraphs a) or b),  
shall be punished by a prison sentence of three to eight years.

(2) The same punishment referred to in Subsection 1, shall be imposed upon an offender, if

- a) they develop, produce, import, export, transport, transfer, procure, possess, store or use an anti-infantry mine for themselves or another person, or
- b) they design a structure or use a manufacturing unit for the production of chemical weapons or biological weapons.

(3) A prison sentence of seven to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) in a more serious manner of conduct,
- b) out of a special motive, or
- c) on a larger scale.

(4) A prison sentence of ten to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) as a member of a dangerous group, or
- b) to a significant extent.

(5) A prison sentence of fifteen to twenty years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) to a large extent, or
- b) in a crisis situation.

#### Section 296

##### **Establishment, Plotting and Supporting a Criminal Group**

Whoever establishes or plots a criminal group, is its member, operates in it or supports it, shall be punished by a prison sentence of five to ten years.

#### Section 297

##### **Establishment, Plotting and Supporting a Terrorist Group**

Whoever establishes or plots a terrorist group, is its member, operates in it or supports it, shall be punished by a prison sentence of ten to fifteen years.

##### **Illegal Production and Possession of Nuclear Materials, Radioactive Substances, Hazardous Chemicals and Hazardous Biological Agents and Toxins**

#### Section 298

(1) Whoever, even out of negligence, without authorisation, produces, imports, exports, transports, purchases, sells, offers, exchanges, modifies, uses, has transported, deposited, removed or otherwise procures for themselves or another person, or possesses nuclear or other radioactive material or a hazardous chemical, hazardous biological agent or toxin, or items intended for their production, shall be punished by a prison sentence of one to six years.

(2) A prison sentence of three to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct, or
- b) out of a special motive.

(3) A prison sentence of ten to twenty years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death,
- b) and thus obtain a significant benefit, or
- c) as a member of a dangerous group.

(4) A prison sentence of twenty to twenty-five years or a life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or the death of several persons,
- b) and thus obtain a benefit of a large extent, or
- c) in a crisis situation.

#### Section 299

(1) Whoever produces, procures for themselves or another person, or possesses an object intended for the illegal production of nuclear or other radioactive substances, or hazardous chemical substances, or hazardous biological agents and toxins, shall be punished by a prison sentence of one to six years.

(2) A prison sentence of three to eight years shall be imposed upon an offender if they obtained a larger benefit for themselves or another person by committing an act referred to in Subsection 1.

(3) A prison sentence of four to ten years shall be imposed upon an offender if they obtained a significant benefit for themselves or another person by committing an act referred to in Subsection 1.

(4) A prison sentence of ten to fifteen years shall be imposed upon an offender if they obtained a benefit of a large extent for themselves or another person by committing an act referred to in Subsection 1.

#### Section 299a

##### **Unauthorised Realisation of a Construction**

(1) Whoever builds a construction or any of its part without a building permit or contrary to such building permit, where such case does not concern a simple or a minor construction under building regulations, and thus causes serious damage to the rights or legitimate interests of the land owner or more persons shall be punished by a prison sentence of up to two years.

(2) A prison sentence of three to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 although they were convicted for such or similar act in the last twenty-four months or charged in the last twenty-four months.

## **Division II**

### **Criminal Offences against the Environment**

#### **Damage and Endangering of the Environment**

##### **Section 300**

(1) Whoever intentionally puts the environment at risk of minor damage by violating generally binding legal regulations on environmental protection or the conservation of natural sources including natural medicinal sources and natural springs of mineral water and their management, shall be punished by a prison sentence of three years.

(2) Whoever violates generally binding legal regulations on environmental protection or the conservation of natural resources including natural medicinal resources and natural springs of mineral water and their management, thus putting another person at risk of grievous bodily harm or death, shall be punished by a prison sentence of one to five years.

(3) The same punishment referred to in Subsection 2 shall be imposed upon an offender if they illegally build a structure in a protected area.

(4) The same punishment referred to in Subsection 2 shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) in a more serious manner of conduct, or

b) in protected areas, including protected zones of natural medicinal sources and natural springs of mineral water.

(5) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or Subsection 2 and thus cause significant damage to the environment.

(6) A prison sentence of four to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or Subsection 2

a) and thus cause grievous bodily harm or death, or

b) and thus cause damage of a large extent

##### **Section 301**

(1) Whoever, out of negligence, puts the environment at risk of larger damage by violating generally binding legal regulations on environmental protection or the conservation of natural sources including natural medicinal sources and natural springs of mineral water and their management, shall be punished by a prison sentence of one year.

(2) Whoever, out of negligence, violates generally binding legal regulations on environmental protection or the conservation of natural resources including natural medicinal resources and natural springs of mineral water and their management, thus putting another person at risk of grievous bodily harm or death, shall be punished by a prison sentence of up to three years.

(3) The same punishment referred to in Subsection 2 shall be imposed upon an offender who commits an act referred to in Subsection 1 in a protected area, including a protected zone of natural medicinal sources and natural springs of mineral water.

(4) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or Subsection 2 and thus caused significant damage.

(5) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or Subsection 2

a) and thus cause grievous bodily harm or death, or

b) and thus cause damage of a large extent.

##### **Section 302**

#### **Unauthorised Waste Management**

(1) Whoever, even out of negligence, manages waste contrary to generally binding legal regulations to a minor extent shall be punished by a prison sentence of up to two years.

(2) A prison sentence of six months to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and puts the environment at risk of larger damage, or
- b) and puts another person at risk of grievous bodily harm or death by such act.

(3) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 to a significant extent.

(4) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death, or
- b) and thus cause damage of a large extent.

#### Section 302a

##### **Unauthorised Discharge of Pollutants**

(1) Whoever, contrary to generally binding legal regulations or an international treaty, even out of negligence, discharges, despite the fact that such obligation arises upon such person from their employment, occupation, position or function, fails to prevent the discharge of an oil product, harmful liquid or any other pollutant from a maritime vessel or a maritime holiday vessel

- a) and thus causes larger damage, or
- b) repeatedly,  
shall be punished by a prison sentence of six months to three years

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct,
- b) and thus cause damage of a significant extent, or
- c) although they were convicted for such an act in the last twenty-four months or charged in the last twenty-four months for a similar act.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death,
- b) and thus cause damage of large extent, or
- c) as a member of a dangerous group.

##### **Violation of Water and Air Protection**

#### Section 303

(1) Whoever acts contrary to the generally binding legal regulations on the protection of water and air and causes deterioration in the quality of surface water or groundwater or air, thus

- a) putting another person at risk of grievous bodily harm or death, or
- b) causing a risk that significant damage may occur,  
shall be punished by a prison sentence of six months to three years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they caused significant damage by committing an act referred to in Subsection 1.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death, or
- b) and thus cause damage of a large extent.

#### Section 304

(1) Whoever, out of negligence, acts contrary to the generally binding legal regulations on the protection of water or air and causes an emergency deterioration in the quality of surface water or groundwater or air, thus

- a) putting another person at risk of grievous bodily harm or death, or

b) causing a risk that significant damage may occur,  
shall be punished by a prison sentence of up to one year.

(2) A prison sentence of six months to three years shall be imposed upon an offender if they caused significant damage by committing an act referred to in Subsection 1.

(3) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) and thus cause grievous bodily harm or death, or

b) and thus cause damage of a large extent.

#### Section 304a

##### **Illegal Production and Management of Substances Harming the Ozone Layer**

(1) Whoever, even out of negligence, contrary to generally binding legal regulations, produces, imports, exports, puts into circulation or otherwise illegally uses a substance harming the ozone layer shall be punished by a prison sentence of six months to three years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause significant damage.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause damage of large extent.

#### Section 305

##### **Violation of Flora and Fauna Protection**

(1) Whoever, even out of negligence, contrary to generally binding legal regulations on nature and landscape protection or generally binding legal regulations on species protection to a larger extent

a) damages, destroys, pulls, digs up or collects a protected plant or damages, or destroys its habitat,

b) kills, injures, catches or moves a protected animal or damages, or destroys its habitat and dwelling,

c) damages or destroys a natural biotope, or

d) endangers the protected animal species or plant species through trading with them,  
shall be punished by a prison sentence of up to two years.

(2) Whoever, contrary to generally binding legal regulations on nature and landscape protection, or generally binding legal regulations illegally drives a motor vehicle, motor tricycle, motor quads, motorcycle or a scooter on forest or agricultural land within the forestry management area shall be punished by a prison sentence of up to one year.

(3) Whoever, contrary to generally binding legal regulations on nature and landscape protection and generally binding legal regulations on species protection by regulating trade with them to a larger extent

a) obtains or procures for themselves or another person a protected animal or protected plant or procures a species,

b) holds in their possession, cultivates, breeds, processes, imports or exports protected plants or protected animals, or species or trades them, or otherwise disposes them, or

c) intentionally removes, forges, alters or otherwise illegally uses unique identification of protected animals or species,  
shall be punished by a prison sentence of six months to three years.

(4) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1, 2 or 3

a) in a more serious manner of conduct,

b) out of a special motive,

c) to a significant extent,

d) with the intention to obtain a significant benefit for themselves or another person, or

e) although they were previously convicted for such act in the last twenty-four months or they were charged with a similar act in the last twenty-four months.

(5) An offender shall be punished by a prison sentence of three to eight years if they committed an act referred to in Subsection 1, 2 or 3

- a) as a member of a dangerous group,
- b) to a large extent, or
- c) with the intention of procuring a benefit of a large extent for themselves or another person.

#### Section 306

##### **Violation of Trees and Shrubs Protection**

(1) Whoever, contrary to generally binding legal regulations in the forestry sector or generally binding legal regulations on landscape and nature protection, damages or destroys a tree or a shrub to a larger extent, or cuts them down, shall be punished by a prison sentence of up to three years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) to a significant extent, or
- b) although they were previously convicted for such act in the last twenty-four months or they were charged with a similar act in the last twenty-four months.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) as a member of a dangerous group, or
- b) on a large scale.

##### **Spreading of Contagious Animal and Plant Diseases**

#### Section 307

(1) Whoever, even out of negligence, causes a risk of the introduction or the spread of contagious diseases of domestic or economically important animals, shall be punished by a prison sentence of up to one year.

(2) A prison sentence of six months to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause larger damage,
- b) and thus cause the spreading of such disease, or
- c) in a more serious manner of conduct.

(3) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause significant damage.

#### Section 308

(1) Whoever, even out of negligence, causes a risk of introduction or the spread of a contagious disease or pest of useful plants, shall be punished by a prison sentence of up to one year.

(2) A prison sentence of six months to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause the spread of such disease or pest, or
- b) in a more serious manner of conduct.

(3) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause significant damage.

#### Section 309

##### **Release of Organisms**

(1) Whoever causes a release of genetically modified organisms contrary to the generally binding legal regulations on the use of genetic technologies from an enclosed environment, or causes an introduction of genetically modified organisms into the environment, that may endanger people or the environment, shall be punished by a prison sentence of up to three years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause larger damage,

b) out of a special motive, or

c) in a more serious manner of conduct.

(3) An offender shall be punished by a prison sentence of four to ten years if they committed an act referred to in Subsection 1

a) and thus cause environmental damage to a significant extent, or

b) thus cause grievous bodily harm or death.

(4) A prison sentence of ten to twenty years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) and thus cause grievous bodily harm or death to several persons, or

b) in a crisis situation.

## Section 310

### **Poaching**

(1) Whoever illegally intervenes in the exercise of hunting rights or the exercise of fishing rights by hunting or fishing without authorisation, or by hunting or fishing at a time of protection or in a prohibited manner, or whoever conceals, harbours, or transfers the game or fish illegally caught or found to themselves or another person, shall be punished by a prison sentence of up to two years.

(2) A prison sentence of six months to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) through the use of mass effect or in a condemnable manner,

b) to a minor extent, or

c) as a person who has a specifically imposed obligation to protect the environment.

(3) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) and they have already been convicted for such an act,

b) to a larger extent, or

c) in a more serious manner of conduct.

(4) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 to a significant extent.

(5) A prison sentence of four to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1 in a large extent.

## CHAPTER SEVEN

### CRIMINAL OFFENCES AGAINST THE REPUBLIC

#### **Division I**

#### **Criminal Offences against the Foundation of the Republic**

#### Section 311

#### **Treason**

Any citizen of the Slovak Republic who, in connection with a foreign power or foreign agent, commits the criminal offence of plotting against the Slovak Republic, or terror, wrecking activities, or sabotage, shall be punished by a prison sentence of fifteen to twenty-five years or a life prison sentence.

#### Section 312

#### **Plotting against the Slovak Republic**

(1) Whoever, through violence or the threat of violence, attempts to

- a) change the constitution, violate the independence or sovereignty of the Slovak Republic, or
- b) violate the territorial integrity of the Slovak Republic,  
shall be punished by a prison sentence of ten to twelve years.

(2) A prison sentence of fifteen to twenty-five years or a life prison sentence shall be imposed upon those who committed an act referred to in Subsection 1

- a) and thus cause the death of several persons,
- b) and thus cause damage of a large extent or another particularly serious consequence,
- c) as a member of a dangerous group,
- d) as a public official, or
- e) in a crisis situation.

## **Terror**

### Section 313

Whoever, with the intention to damage the constitution of the Slovak Republic, intentionally kills another person or attempts to do so shall be punished by a prison sentence of twenty to twenty-five years or a life prison sentence.

### Section 314

(1) Whoever takes a hostage and threatens to kill them or cause them bodily harm or other harm in order to force them to comply with the conditions damaging the constitution of the Slovak Republic, shall be punished by a prison sentence of seven to twelve years.

(2) A prison sentence of twelve to twenty years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death,
- b) against a protected person, or
- c) in a more serious manner of conduct.

(3) A prison sentence of fifteen to twenty-five years or a life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause the death of several persons,
- b) as a member of a dangerous group, or
- c) in a crisis situation.

## **Wrecking Activities**

### Section 315

(1) Whoever, with the intention to damage the institution of constitution or defensibility of the Slovak Republic,

- a) puts a group of people in danger of death or grievous bodily harm or puts a stranger's assets in danger of damage of a large extent by causing fire, flood or failure, or an accident by means of public transport, or adverse effects of explosives, gas, electricity, radioactivity or other similar hazardous substances or forces, or increases such danger or hinders the aversion or mitigation of it, or
- b) commits another similar dangerous action,  
shall be punished by a prison sentence of seven to twelve years.

(2) A prison sentence of twelve to twenty years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause larger damage,
- b) in a more serious manner of conduct, or
- c) against a protected person.

(3) A prison sentence of fifteen to twenty-five years or a life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death,
- b) and thus cause damage of a large extent or another particularly serious consequence, or
- c) as a member of a dangerous group.

(4) A prison sentence of twenty to twenty-five years or a life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death to several persons, or
- b) in a crisis situation.

#### Section 316

(1) Whoever, with the intention set out in Section 315 Subsection 1, destroys, damages or renders useless their own or a stranger's item, shall be punished by a prison sentence of four to ten years.

(2) A prison sentence of ten to twenty-five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 during a crisis situation.

#### Section 317

##### **Sabotage**

(1) Whoever, with the intention to damage the institution of the constitution or the defensibility of the Slovak Republic abuses their employment, occupation, position or function or commits any other action in order to

- a) obstruct or hinder the fulfilment of an important role by the State authority, armed forces or armed corps, or a legal entity, or
- b) cause a failure or another serious damage to the activities of such authority or such organisation or institution, shall be punished by a prison sentence of four to ten years.

(2) A prison sentence of ten to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death,
- b) and thus cause larger damage, or
- c) in a more serious manner of conduct.

(3) A prison sentence of fifteen to twenty-five years or a life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death to several persons,
- b) and thus cause damage of a large extent or another particularly serious consequence,
- c) as a member of a dangerous group, or
- d) in a crisis situation.

#### **Division II**

#### **Criminal Offences against the Security of the Republic**

#### Section 318

##### **Espionage**

(1) Whoever spies to uncover information that is kept classified in order to protect the interests of the Slovak Republic or to protect the interests of another State, international organisation, transnational organisation or associations of States, the interests of which the Slovak Republic is committed to protecting, which is identified by the degree of secrecy under the law as Top Secret or Secret, with the aim of disclosing it to a foreign power or a foreign agent, or whoever collects information containing such classified information with the same intentions, or whoever intentionally discloses such information to a foreign power, shall be punished by a prison sentence of four to ten years.

(2) A prison sentence of eight to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) as a member of an organisation whose objective is to spy on classified information, or

b) even though they were specifically directed to retain classified information.

(3) A prison sentence of fifteen to twenty-five years or a life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1 in a crisis situation.

### **Compromising Classified Information**

#### **Section 319**

(1) Whoever spies to uncover information that is kept classified in order to protect the interests of the Slovak Republic or to protect the interests of another State, international organisation, transnational organisation or associations of States, the interests of which the Slovak Republic is committed to protecting, which is identified by the degree of secrecy under the law as Top Secret or Secret, with the aim of disclosing it to an unauthorised person, or whoever collects information containing such classified information with the same intentions, or whoever intentionally discloses such information to an unauthorised person, shall be punished by a prison sentence of six months to three years.

(2) Whoever spies on the classified information referred to in Subsection 1 with the intention of disclosing to a foreign State or whoever intentionally discloses such classified information to a foreign State, shall be punished by a prison sentence of one to five years.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

a) even though they were specifically directed to retain classified information, or

b) in a crisis situation.

#### **Section 320**

Whoever, out of negligence, causes the disclosure of classified information intended for the protection of the interests of the Slovak Republic or the protection of the interests of another State, international organisation, transnational organisation or an association of States the interests of which the Slovak Republic is committed to protecting, which is identified by the degree of secrecy under the law as Top Secret or Secret to an unauthorised person, or causes the loss of documents or items containing such classified information, shall be punished by a prison sentence of up to three years.

## **CHAPTER EIGHT**

### **CRIMINAL OFFENCES AGAINST ORDER IN PUBLIC MATTERS**

#### **Division I**

#### **Criminal Offences against the Execution of the Powers of the Public Authority**

##### **Attacks on a Public Authority**

#### **Section 321**

(1) Whoever uses violence with the intention to affect the execution of powers of a public authority shall be punished by a prison sentence of one to five years.

(2) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 in a more serious manner of conduct.

(3) An offender shall be punished by a prison sentence of seven to twelve years if they caused grievous bodily harm or death by committing an act referred to in Subsection 1.

(4) A prison sentence of twelve to twenty years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) and thus cause grievous bodily harm or death to several persons, or

b) thus cause damage of large extent or another particularly serious consequence.

#### **Section 322**

(1) Whoever threatens another person with death, bodily harm or causing minor damage

a) with the intention to affect the execution of powers of a public authority, or

b) for the execution of powers of a public authority,  
shall be punished by a prison sentence of up to two years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 in a more serious manner of conduct.

## **Attack on Public Officials**

### Section 323

(1) Whoever uses violence

- a) with the intention to affect the execution of powers of a public official, or
- b) for the execution of powers of a public official,  
shall be punished by a prison sentence of one to five years.

(2) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause bodily harm,
- b) and thus cause larger damage,
- c) in a more serious manner of conduct, or
- d) against a law enforcement authority or a court.

(3) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death, or
- b) thus cause significant damage.

(4) A prison sentence of twelve to twenty-five years or a life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause death to several persons, or
- b) in a crisis situation.

### Section 324

(1) Whoever threatens another person with death, bodily harm or causing minor damage

- a) with the intention to affect the execution of powers of a public official, or
- b) for the execution of powers of a public official,  
shall be punished by a prison sentence of up to three years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 in a more serious manner of conduct.

### Section 325

Protection under Section 321 through 324 is also provided to a person who spoke out in support or protection of a public official.

## **Division II**

### **Criminal Offences by Public Officials**

#### Section 326

##### **Abuse of Authority by a Public Official**

(1) A public official who, with the intention to cause damage to another person or to procure an illegal benefit for themselves or another person,

- a) exercises their authority in a manner contrary to the law,
- b) exceeds their authority, or
- c) fails to comply with an obligation under their authority or upon the decision of the court,  
shall be punished by a prison sentence of two to five years.

(2) An offender shall be punished by a prison sentence of four to ten years if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct,

- b) against a protected person, or
- c) out of a special motive.

(3) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death,
- b) and thus cause significant damage, or
- c) in order to obstruct or hinder the application of another person's fundamental rights and freedoms.

(4) A prison sentence of ten to twenty years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death to several persons,
- b) and thus cause damage of a large extent, or
- c) in a crisis situation.

#### Section 327

### **Obstructing the Role by a Public Official**

(1) A public official who in exercising their authority obstructs or significantly hinders the fulfilment of important tasks out of negligence shall be punished by a prison sentence of up to two years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause significant damage or another particularly serious consequence.

#### Section 327a

A public official who, out of negligence, fails to comply with an obligation arising from their authority when managing State property, municipality property, the property of a higher territorial unit or the property of a public institution, although being aware that they may violate or endanger thereby an interest protected by this Act but believing, without adequate justification, that they would not cause such violation or endangerment, and

- a) thus cause damage of a large extent to State property, municipality property, property of a higher territorial unit or the property of a public institution, or
- b) thus cause grievous bodily harm of several persons or the death of several persons shall be punished by a prison sentence of one year to five years.

### **Division III**

#### **Corruption**

### **Acceptance of Bribes**

#### Section 328

(1) Whoever, directly or through an intermediary, accepts, requests or accepts the promise of a bribe, for themselves or another person to act or refrain from acting in such a way that violates obligations arising from their employment, occupation, position or function, shall be punished by a prison sentence of two to five years.

(2) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 in a more serious manner of conduct.

(3) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1 to a large extent.

#### Section 329

(1) Whoever, directly or through an intermediary, in connection with the procurement of items of general interest, accepts, requests or accepts the promise of a bribe for themselves or another person, shall be punished by a prison sentence of three to eight years.

(2) A prison sentence of five to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1 as a public official.

(3) A prison sentence of ten to fifteen years shall be imposed upon an offender if they committed an act referred to in

Subsection 1 or 2 to a large extent.

#### Section 330

(1) Whoever, as a foreign public official, directly or through an intermediary, accepts, requests or accepts the promise of a bribe for themselves or another person in connection with the performance of official obligations or in connection with the discharge of their office, with the intention to obtain or maintain a disproportionate advantage, shall be punished by a prison sentence of five to twelve years

(2) A prison sentence of ten to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1 to a large extent.

#### Section 331

### **Repealed from 1 September 2015**

#### **Bribery**

#### Section 332

(1) Whoever, directly or through an intermediary, promises, offers or provides a bribe for another person to act or refrain from acting in such a way that violates obligations arising from their employment, occupation, position or function, or for those reasons, directly or through an intermediary, promises, offers or provides a bribe to another person, shall be punished by a prison sentence of up to three years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 in a more serious manner of conduct.

(3) A prison sentence of four to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1 to a large extent.

#### Section 333

(1) Whoever, in connection with the procurement of items of general interest, directly or through an intermediary, provides, offers or promises a bribe, or for those reasons provides, offers or promises a bribe to another person, shall be punished by a prison sentence of six months to three years.

(2) A prison sentence of two to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) in a more serious manner of conduct, or

b) against a public official.

(3) A prison sentence of five to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1 to a large extent.

#### Section 334

(1) Whoever, directly or through an intermediary, provides, offers or promises a bribe to a foreign public official or another person in connection with the performance of the official obligations or in connection with the discharge of their office of a foreign public official, with the intention to obtain or maintain a disproportionate advantage, shall be punished by a prison sentence of two to five years.

(2) A prison sentence of five to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1 to a large extent.

#### Section 335

### **Repealed from 1 September 2015**

#### Section 336

#### **Indirect Corruption**

(1) Whoever, directly or through an intermediary, accepts, requests or accepts the promise of a bribe for themselves or another person for the promise of affecting the performance of the authority of the persons referred to in Section 328, Section 329 or Section 330 through their influence, or that they have already done so, shall be punished by a prison sentence of up to three years.

(2) Whoever, directly or through an intermediary, promises, offers or provides a bribe for another person for the promise of affecting the performance of the authority of the persons referred to in Section 332, 333 or Section 334, or that they have already done so, or with the same intentions provides, offers or promises a bribe to another person, shall be punished by a prison sentence of up to two years.

## Section 336a

### **Electoral Fraud**

(1) Whoever, directly or through an intermediary, provides, offers or promises a bribe to a person authorised to vote, take part in a referendum or a plebiscite regarding the removal of the President of the Slovak Republic in order

- a) to vote in a certain manner,
- b) not to vote in a certain manner,
- c) not to vote at all, or
- d) not to take part in elections, referendum or plebiscite regarding the removal of the President of the Slovak Republic, or directly or through an intermediary provides, offers or promises a bribe to any other person for that reason shall be punished by a prison sentence of up to two years.

(2) Whoever in connection with the exercise of the right to vote, take part in a referendum or a plebiscite regarding the removal of the President of the Slovak Republic directly or through an intermediary accepts, requests or accepts the promise of a bribe for themselves or another person in order

- a) to vote in a certain manner,
- b) not to vote in a certain manner,
- c) not to vote at all, or
- d) not to take part in elections, referendum or plebiscite regarding the removal of the President of the Slovak Republic shall be punished by a prison sentence of up to one year.

(3) A prison sentence of one year to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct,
- b) as a public official,
- c) against a protected person, or
- d) publicly.

## Section 336b

### **Corruption in Sports**

(1) Whoever, directly or through an intermediary, promises, offers or provides a bribe to another person to act or refrain from acting in such a way that affects the course or result of a contest, shall be punished by a prison sentence of one to five years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who, directly or through an intermediary, accepts, requests or accepts the promise of a bribe for themselves or for another person to act or refrain from acting and so affect the course or result of a contest.

(3) A prison sentence of two to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or Subsection 2

- a) despite having been previously convicted for such act in the last twenty-four months or being charged with a similar act in the last twenty-four months,
- b) in a more serious manner of conduct, or
- c) on a larger scale.

(4) A prison sentence of four to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or Subsection 2

- a) as a referee, delegate of a sports association or official of a sports organisation,
- b) in a contest organised by an international sports organisation, or
- c) to a significant extent.

(5) A prison sentence of five to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or Subsection 2 to a large extent.

## **Division IV**

### **Some Forms of Criminal Association**

#### **Section 337**

##### **Incitement**

Whoever publicly incites a criminal offence or publicly calls for the collective failure of important obligations imposed by law or on its basis, or a serious violation of public order, shall be punished by a prison sentence of up to two years.

#### **Section 338**

##### **Endorsement of a Criminal Offence**

(1) Whoever publicly endorses a criminal offence or publicly flaunts an offender for a criminal offence shall be punished by a prison sentence of up to one year.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who with the intention to demonstrate consent to a criminal offence

- a) rewards or compensates an offender or a person close to them for the imposed punishment, or
- b) collects funds for such remuneration or compensation.

#### **Section 339**

##### **Favouritism**

(1) Whoever assists an offender of a criminal offence with the intention to facilitate their escape from criminal prosecution, punishment or protective measure, or their enforcement, shall be punished by a prison sentence of up to three years; however, if they assist the offender of a criminal offence for which this Act stipulates a lenient sentence, they shall be punished by such lenient sentence.

(2) Whoever commits an act referred to in Subsection 1 for the benefit of a close person, is not criminally liable except for cases where they did it with the intention to

a) assist a person who committed the criminal offence of treason under Section 311, plotting against the Slovak Republic under Section 312, terror under Section 313 and 314, wrecking activities under Section 315 and Section 316, sabotage under Section 317, espionage under Section 318 or genocide under Section 418, or

b) procure a material benefit for themselves or another person.

(3) Whoever commits an act referred to in Subsection 1 is not criminally liable if they were forced to assist and they were not able to refuse without putting themselves or a close person at danger of death, bodily harm or another grievous harm.

#### **Section 340**

##### **Failure to Report a Criminal Offence**

(1) Whoever, in a credible manner, learns that another person committed a crime for which this Act stipulates a prison sentence with an upper limit of at least ten years, or any of the criminal offences of corruption referred to in Chapter Eight, Division III of a separate part of this Act, and fails to report such crime or criminal offence without undue delay to the law enforcement authorities or the Police Force, or instead, if it is a soldier to their superior or service authority and a person serving a prison sentence or in custody even to the member of the Cops of Prison and Court Guard, shall be punished by a prison sentence of up to three years.

(2) Whoever commits an act referred to in Subsection 1 is not criminally liable if they were not able to report it without putting themselves or a close person at danger of death, bodily harm or another grievous harm, or criminal prosecution.

(3) Whoever commits an act referred to in Subsection 1 is not criminally liable if, by reporting the criminal offence, they would violate

a) the confessional secrecy or secrecy of information entrusted to them orally or in writing under the condition of confidentiality as the person commissioned with pastoral activity, or

b) a legally recognised obligation of confidentiality.

#### **Section 341**

##### **Failure to Prevent a Criminal Offence**

(1) Whoever, in a credible manner, learns that another person premeditates or commits a crime for which this Act

stipulates a prison sentence with an upper limit of the criminal penalty of at least ten years, or any of the criminal offences of corruption referred to in Chapter Eight Division III of the separate part of this Act, and they fail to prevent the commission or completion of such crime or criminal offence personally or through another competent person or competent authority, shall be punished by a prison sentence of up to three years.

(2) Whoever commits an act referred to in Subsection 1 is not criminally liable, if they were not able to prevent the crime without significant difficulties or without putting themselves or a close person at danger of death, grievous bodily harm or another grievous harm, or criminal prosecution. However, putting a close person in danger of criminal prosecution does not relieve the offender of criminal liability, if it relates to the failure to prevent a crime for which this Act allows the imposition of a life prison sentence.

(3) A crime may also be prevented by its timely report to the law enforcement authority or the Police Force; a soldier may instead report it to their superior or the service authority and a person serving a prison sentence or in custody even to the member of the Corps of Prison and Court Guard.

(4) The obligation under Subsection 1 shall not apply to a person if its compliance would violate confessional secrecy.

## **Division V**

### **Other Forms of Interfering with the Activities of the Public Authorities**

#### **Section 342**

##### **Interfering with Judicial Independence**

(1) Whoever influences the judge to fail in the fulfilment of their obligation in proceedings before the court, or who performs an action with the intention of obstructing the rights of the participants to the court proceedings or of the accused to have a lawful judge, shall be punished by a prison sentence of one to six years.

(2) A prison sentence of two to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) out of a special motive,
- b) with the intention to obstruct or hinder the application of another person's fundamental rights and freedoms,
- c) as a public official or another person in connection with the execution of their employment, occupation, position or function, or
- d) as a person exercising the power of a body controlling and administering courts.

(3) An offender shall be punished by a prison sentence of three to ten years if they committed an act referred to in Subsection 1 with the intention of procuring a significant benefit for themselves or another person, or to cause significant damage or another particularly serious consequence.

#### **Section 343**

##### **Contempt of Court**

Whoever, despite a previous warning, through repeated conduct

- a) disrupts the court hearing in a serious manner,
  - b) behaves offensively or disparages the court during the hearing, or
  - c) fails to comply with a court order or its summons without reasonable apology,
- shall be punished by a prison sentence of up to two years.

#### **Section 344**

##### **Obstructing Justice**

(1) Whoever, in proceedings before the court or in criminal proceedings,

- a) presents evidence which they know to be counterfeit or altered, in order to use it as a genuine,
  - b) counterfeits, alters or obstructs the evidence, or prevents the obtaining of evidence,
  - c) obstructs or prevents the presence or testimony of a party to the criminal proceedings, participant to the court proceedings, or their representatives in the proceedings, witness, expert, interpreter or translator, or
  - d) uses violence, threats of violence or the threat of another grievous harm, or promises, offers, or provides an illegal advantage to influence the judge, party to the criminal proceedings, participant to the court proceedings, witness, expert, interpreter, translator or the law enforcement authority,
- shall be punished by a prison sentence of one to six years.

(2) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) with the intention to procure a significant benefit for themselves or another person or cause significant damage or another particularly serious consequence,
- b) with the intention to obstruct or hinder the application of another person's fundamental rights and freedoms,
- c) out of a special motive,
- d) as a public official or another person in connection with the execution of their employment, occupation, position or function, or
- e) as a person exercising the authority of a court management and administration body.

#### Section 345

##### **False Accusations**

(1) Whoever falsely accuses another person of a criminal offence with the intention of bringing about their criminal prosecution, shall be punished by a prison sentence of one to five years.

(2) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) out of a special motive, or
- b) publicly.

(3) A prison sentence of four to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause significant damage or another particularly serious consequence.

#### Section 346

##### **False Testimony and Perjury**

(1) Whoever, as a witness, falsely testifies about circumstances that have significant importance for a decision in court proceedings or in criminal proceedings, or for the purposes of criminal proceedings abroad, before the public prosecutor, a police officer, a judge, or before an international body recognised by the Slovak Republic, or who conceals such circumstances, shall be punished by a prison sentence of one to five years.

(2) Whoever falsely testifies about circumstances that have significant importance for a decision, after taking the oath, in criminal proceedings before a court or for the purposes of criminal proceedings abroad, or conceals such circumstances, shall be punished by a prison sentence of two to five years.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) in a more serious manner of conduct, or
- b) out of a special motive.

(4) A prison sentence of four to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2 and thus cause significant damage or another particularly serious consequence.

#### Section 347

##### **False Expert Opinion, Interpreting and Translating Action**

(1) Whoever as an expert, interpreter or a translator

- a) falsely testifies about circumstances that have significant importance for a decision before the court, public prosecutor or a police officer in criminal proceedings, or in civil proceeding and in administrative legal proceeding, or enforcement proceedings or in proceedings before public administration authorities, or arbitration court, or conceals such circumstances, or
- b) causes minor damage to another person by falsely testifying about circumstances that have significant importance for the person whose expert opinion, interpreting or translating it concerns, or has significant importance for a decision, which the expert opinion, interpreting or translating is the basis of, or conceals such circumstances while submitting an expert opinion or during the performance of the interpreting or translating based on a contract,  
shall be punished by a prison sentence of one to five years.

(2) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct, or
- b) out of a special motive.

(3) A prison sentence of four to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause significant damage or another particularly serious consequence.

### **Obstruction of the Enforcement of an Official Decision**

#### Section 348

(1) Whoever obstructs or significantly hinders the enforcement of a court decision or a decision of another public authority by

- a) failing to begin serving a prison sentence within the deadline determined by the court without a serious reason,
- b) sojourning in the place or district which relates to the punishment during the execution of the punishment by prohibition of residence without authorisation and without a serious reason, or fails to comply with the restrictions and obligations imposed upon them by the court in connection with the execution of such punishment,
- c) illegally residing in the Slovak Republic without authorisation and without a serious reason, although they were imposed a punishment by deportation or they were banned from residing in the Slovak Republic,
- d) performing activities covered by the decision of a court or another public authority on the punishment by disqualification,
- e) applying for or accepting a grant, subsidy or assistance and support provided from the funds of the European Union despite a final court decision that prohibits the acceptance of grants, subsidies or assistance and support from the funds of the European Union, or participating in public procurement despite a final court decision that prohibits participation in public procurement,
- f) committing serious conduct to obstruct the purpose of protective treatment or protective education, which was imposed upon them by the court, or otherwise, in particular by escaping from an institute, or by significantly hindering the execution of such decisions,
- g) committing serious conduct to obstruct the purpose of custody or punishment,
- h) committing serious or repeated conduct to obstruct an eviction from a common dwelling issued under a special regulation or based on urgent measures taken by the court,
- i) committing serious or repeated conduct to obstruct the prohibition or restriction of contact, entry or coming near that was issued and certified under a special regulation or issued under a court decision in civil proceeding,
- j) attending a public event to which punishment by prohibition of attendance at public events applies, or by failing to comply with the restrictions and obligations imposed upon them by the court in connection with the execution of such punishment,
- k) committing serious conduct which obstructs the performance of the imposed protective supervision, or
- l) performing works, adjustments or otherwise continuing the realisation of a construction or its change despite a final decision prohibiting the continuation of works, adjustments or realisation of the construction or its change, where such case does not concern a simple or a minor construction under building regulations,  
shall be punished by a prison sentence of up to two years.

(2) Whoever obstructs or significantly hinders the execution of a court decision or a decision of another public authority in the criminal proceedings by

- a) destroying, damaging, rendering useless, concealing, stealing or removing an item which such decision concerns or
- b) escaping from the guards, from custody or from serving a prison sentence or assisting another person in such escape, shall be punished by a prison sentence of one to five years.

#### Section 349

Whoever, after measures in the civil proceeding aimed at the enforcement of a court decision or an agreement on the custody of juvenile children approved by the court were used against them without any result, obstructs the enforcement of such decision or agreement or who obstructs the enforcement of urgent measures imposed in civil proceeding for the protection of persons threatened by violence or in the matters concerning the court custody of juveniles, shall be punished by a prison sentence of one to five years.

#### Section 350

### **Obstruction of the Enforcement of the Decision of the Constitutional Court of the Slovak Republic**

Whoever obstructs or significantly hinders the enforcement of a decision of the Constitutional Court of the Slovak Republic by failing to comply with the obligations under the decision, shall be punished by a prison sentence of up to two years.

#### Section 351

### **Obstruction of the Preparation and Holding of Elections and Referendum**

(1) Whoever restricts another person in exercising their constitutional right to vote, or to vote in a referendum, by

violence or the threat of violence, or forces another person to exercise their constitutional rights in such a manner, shall be punished by a prison sentence of six months to three years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who in connection with exercising the constitutional rights referred to in Subsection 1

- a) intentionally incorrectly counts votes or violates the secrecy of voting, or
- b) hinders the exercising of constitutional rights in another gross manner.

(3) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) in a more serious manner of conduct,
- b) as a public official,
- c) out of a special motive, or
- d) publicly.

#### Section 352

##### **Counterfeiting and Alteration of a Public Document, Official Seal, Official Lock, Official Symbol and Official Mark**

(1) Whoever significantly counterfeits or alters the contents of a public document, official seal, official lock, official symbol and official mark or measure with the intention to use it as genuine or uses them as genuine, or has them produced with the intention to use them as genuine, shall be punished by a prison sentence of up to three years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who achieved the issue of a public document, official seal, official lock, official symbol and official mark or measure on the basis of false documents.

(3) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2 in a more serious manner.

(4) A prison sentence of three to eight years shall be imposed upon an offender if they committed an offence referred to in Subsection 1 or 2

- a) and thus caused significant damage, or
- b) out of a special motive.

(5) A prison sentence of four to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2 and thus cause damage of a large extent or another particularly serious consequence.

(6) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2 as a member of a dangerous group.

(7) Protection under Subsection 1 through 6 is also provided to foreign public documents, official seals, official locks, official symbols, and official marks.

#### Section 352a

##### **Counterfeiting and Drawing up False Medical Record Documentation**

(1) Whoever counterfeits medical record documentation, or wilfully draws up false medical record documentation with the intention to use it as genuine in proceedings before a public authority, or uses it as genuine in proceedings before a public authority, or has such medical record documentation drawn up with the intention to use it as genuine in proceedings before a public authority, or uses such medical record documentation as genuine in proceedings before a public authority, shall be punished by a prison sentence of up to two years.

(2) A prison sentence of six months to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus obtained a larger benefit for themselves or for another person,
- b) and thus caused larger damage,
- c) as a health professional,
- d) in a more serious manner of conduct, or
- e) out of a special motive.

(3) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in

Subsection 1 a

- a) and thus obtained a significant benefit for themselves or for another person, or
- b) and thus caused significant damage.

(4) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 a

- a) and thus obtained a benefit of a large extent for themselves or for another person, or
- b) thus caused damage of a large extent.

#### Section 353

##### **Endangering Confidential and Classified Information**

(1) Whoever spies on information kept secret in order to protect the interests of the Slovak Republic or to protect the interests of another State, international organisation, transnational organisation or associations of States to protection the interests of which the Slovak Republic is committed to protecting, which is identified by the degree of secrecy under the law as Confidential or Classified, with the aim of disclosing it to an unauthorised person or whoever collects information containing such classified information with the same intentions, or whoever intentionally discloses such information to an unauthorised person, shall be punished by a prison sentence of up to one year.

(2) Whoever spies on the classified information referred to in Subsection 1 with the intention of disclosing it to a foreign State or whoever intentionally discloses such classified information to a foreign State shall be punished by a prison sentence of six months to three years.

#### Section 354

##### **Forced Crossing of State Border**

(1) Whoever crosses the State border using violence or the threat of imminent violence shall be punished by a prison sentence of three to eight years.

(2) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct,
- b) with at least two persons, or
- c) by organising such an act.

(3) A prison sentence of twelve to twenty years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death, or
- b) in a crisis situation.

(4) A prison sentence of twenty to twenty-five years or a life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death to several persons, or
- b) as a soldier in a crisis situation.

#### **Trafficking**

#### Section 355

(1) Whoever organises the illegal crossing of the State border of the Slovak Republic or transit through its territory, or facilitates such conduct or assists in it, for a person who is neither a citizen of the Slovak Republic nor a person with a permanent residence in the Slovak Republic, shall be punished by a prison sentence of one to five years.

(2) Whoever, with the intention to directly or indirectly obtain a financial advantage for themselves or another person or another material advantage for a person who is neither a citizen of the Slovak Republic nor a person with a permanent residence in the Slovak Republic,

- a) organises the illegal crossing of the State border of the Slovak Republic or transit through its territory, or facilitates such conduct, or assists in it, or
- b) for the purpose under Paragraph a) produces, procures, provides or possesses a false travel document or false identification document, shall be punished by a prison sentence of three to eight years.

(3) A prison sentence of seven to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) and thus obtain a larger benefit for themselves or another person,
- b) out of a special motive,
- c) in a manner that may endanger the lives and health of the trafficked persons, or which constitutes inhumane treatment or degrading treatment, or the exploitation of the trafficked persons, or
- d) in a more serious manner of conduct.

(4) A prison sentence of ten to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) and thus cause grievous bodily harm or death,
- b) and thus obtain significant benefit for themselves or another person, or
- c) as a member of a dangerous group.

(5) A prison sentence of twelve to twenty years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) and thus cause grievous bodily harm or the death of several persons,
- b) and thus obtain a benefit of large extent, or
- c) in a crisis situation.

#### Section 356

Whoever, with the intention to directly or indirectly obtain a financial advantage for themselves or another person or other material advantage, facilitates or assists a person who is neither a citizen of the Slovak Republic nor a citizen of another EU Member State or a citizen of a State which is party to the European Economic Area or who does not have a permanent residence in their territory to remain, or become illegally employed in the Slovak Republic, another EU Member State or a State which is party to the European Economic Area shall be punished by a prison sentence of two to eight years.

#### Section 357

##### **Illegal Crossing of the State Border**

Whoever violates international flight regulations by entering the territory of the Slovak Republic by aircraft shall be punished by a prison sentence of six months to three years.

#### Section 358

##### **Insurrection of Prisoners**

(1) Whoever participates in the resistance of a group of prisoners against the supervisory authority, its order, or prison order, shall be punished by a prison sentence of one to five years.

(2) An offender shall be punished by a prison sentence of four to ten years if they organise an act referred to in Subsection 1.

### CHAPTER NINE

#### CRIMINAL OFFENCES AGAINST OTHER RIGHTS AND FREEDOMS

#### Section 359

##### **Violence against a Group of Population**

(1) Whoever threatens a group of population with death, grievous bodily harm or another grievous harm, or causing damage of a large extent, or whoever uses violence against a group of population, shall be punished by a prison sentence of up to two years.

(2) A prison sentence of six months to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) out of a special motive,
- b) in a more serious manner of conduct, or

c) publicly.

#### Section 360

##### **Dangerous Threats**

(1) Whoever threatens another person with death, grievous bodily harm or another grievous harm, in a manner that arouses a justified concern, shall be punished by a prison sentence of up to one year.

(2) A prison sentence of six months to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct,
- b) against a protected person,
- c) with the intention to obstruct or hinder the application of another person's fundamental rights and freedoms,
- d) out of a special motive, or
- e) publicly.

#### Section 360a

##### **Stalking**

(1) Whoever follows another person over an extended period of time in a way giving possible rise to a reasonable fear for the life or health of that person or the life or health of a person close to that person or giving rise to the substantial impairment of the quality of life of that person by

- a) threatening to inflict bodily harm or other harm to that person or a person close to that person,
- b) seeking the personal proximity of that person or following that person,
- c) contacting that person through a third person or electronic communication service, in writing or in any other manner against the will of that person,
- d) misusing the personal details of that person in order to establish personal or any other contact with that person, or
- e) limiting that person in their usual way of life,  
shall be punished by a prison sentence of up to one year.

(2) A prison sentence of six months to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) against a protected person,
- b) in a more serious manner of conduct,
- c) out of a special motive, or
- d) publicly.

##### **Spread of Alarming News**

#### Section 361

(1) Whoever intentionally causes a risk of serious concern among at least a portion of the population in a certain location by the spread of alarming news, which is false, or commits another similar conduct to give rise to such danger, shall be punished by a prison sentence of up to two years.

(2) Whoever reports the alarming news or other similar conduct referred to in Subsection 1 to a legal entity or the Police Force or another public authority or mass information facility, even though they know that it is false and may cause a measure leading to serious concern to at least a portion of the population in a certain place, shall be punished by a prison sentence of one to five years.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 2

- a) and have already been convicted for such an act, or
- b) thus cause a serious failure in the economic operation or economic activities of a legal entity or in the activity of a public authority or another particularly serious consequence.

#### Section 362

Whoever causes, even out of negligence, a risk of serious concern, dependency or defeatism in at least a portion of the population in a certain place during a crisis situation by the spread of alarming news, shall be punished by a prison sentence of six months to three years.

#### Section 363

##### **Insobriety**

(1) Whoever brings themselves into a state of diminished responsibility through the application or ingestion of addictive substances, even out of negligence, in which they commit an act which has the characteristics of a criminal offence, shall be punished by a prison sentence of three to eight years; however, if they committed an act that otherwise has the characteristics of a criminal offence for which the law provides a lenient sentence, they shall be punished by such lenient sentence.

(2) The provisions of Subsection 1 or Section 23 shall not apply, if the offender brought themselves into a state of diminished responsibility with the intention of committing a criminal offence.

#### Section 364

##### **Disorderly Conduct**

(1) Whoever verbally or physically, publicly or in a publicly accessible place commits gross indecency or disorderly conduct, in particular, by

- a) attacking another person,
  - b) defamation of the State symbol,
  - c) defamation of a historical or cultural monument,
  - d) disturbing the course of a public event in a gross manner, particularly by the unpermitted use of a pyrotechnic product, by violently damaging a seat or part of the sports facility intended to separate sectors, or by throwing a dangerous item onto the sports field or such other place where the event is held, or
  - e) causing a public scandal by performing sexual intercourse or engaging in sexual exhibitionism or other pathological sexual practices,
- shall be punished by a prison sentence of up to three years.

(2) A prison sentence of six months to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) out of a special motive,
- b) in a more serious manner of conduct,
- c) in the presence of a group of persons younger than eighteen years,
- d) against a protected person, or
- e) although they were convicted for such act or a similar act in the last twenty-four months, or they were charged with such act or a similar act in the last twelve months.

#### Section 365

##### **Desecration of a Final Resting Place**

(1) Whoever destroys, damages or desecrates a grave, urn with human remains, headstones or a memorial or destroys or damages burial equipment or another final resting place or whoever commits another gross indecency or disorderly conduct in a resting place, or another final resting place, shall be punished by a prison sentence of up to two years.

(2) A prison sentence of six months to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct, or
- b) out of a special motive.

(3) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause significant damage.

#### Section 366

##### **Desecration of the Dead**

(1) Whoever abuses or desecrates the dead, or illegally performs the exhumation of human remains, or wilfully removes human remains from a burial site, or treats human remains contrary to generally binding legal regulations, shall be punished by a prison sentence of six months to three years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct, or
- b) out of a special motive.

#### Section 367

##### **Procuring and Soliciting Prostitution**

(1) Whoever hires, solicits, seduces, exploits, elicits or offers another person to perform prostitution, or who exploits the prostitution performed by another person, or facilitates its performance, shall be punished by a prison sentence of up to three years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed such an act in a more serious manner of conduct.

(3) A prison sentence of three to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1 on a protected person.

(4) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus obtain a significant benefit for themselves or another person, or
- b) as a member of a dangerous group.

(5) An offender shall be punished by a prison sentence of ten to fifteen years if they caused grievous bodily harm or death by committing an act referred to in Subsection 1.

#### Section 368

##### **Production of Child Pornography**

(1) Whoever exploits, obtains, offers or otherwise abuses a child for the production of child pornography or child pornographic performance or facilitates such exploitation, or otherwise participates in such production, shall be punished by a prison sentence of four to ten years.

(2) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) on a child younger than twelve years,
- b) in a more serious manner of conduct, or
- c) publicly.

(3) A prison sentence of ten to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death, or
- b) thus obtain a significant benefit.

(4) A prison sentence of twelve to twenty years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death to several persons,
- b) thus obtain a benefit of a large extent, or
- c) as a member of a dangerous group.

#### Section 369

##### **Distribution of Child Pornography**

(1) Whoever copies, transports, procures, makes accessible or otherwise distributes child pornography shall be punished by a prison sentence of one to five years.

(2) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in

Subsection 1

- a) in a more serious manner of conduct, or
- b) publicly.

(3) A prison sentence of four to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus obtain significant benefit.

(4) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus obtain a benefit of a large extent.

Section 370

**Possession of Child Pornography and Participation in a Child Pornographic Performance**

(1) Whoever possesses child pornography or whoever acts with the intention to obtain access to child pornography through an electronic communication service shall be punished by a prison sentence of up to two years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who intentionally participates in child pornographic performance.

**Threat to Morals**

Section 371

(1) Whoever produces, purchases, imports or otherwise procures and subsequently sells, rents out or otherwise puts into circulation, distributes, makes publicly accessible or publishes pornography, or audio or video mediums, images or other objects threatening morals which display disrespect to human beings and violence, or which display sexual intercourse with an animal, or other pathological sexual practices, shall be punished by a prison sentence of up to two years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct, or
- b) publicly.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus obtain significant benefit.

Section 372

(1) Whoever

- a) offers, passes over or sells pornography to a child, or
- b) exhibits or otherwise makes pornography accessible to children in a place accessible to such persons, shall be punished by a prison sentence of up to two years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct, or
- b) publicly.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus obtain a significant benefit for themselves or another person, or
- b) by offering, making accessible or exhibiting pornography, or audio or video mediums or images which display disrespect to human beings and violence, or which display sexual intercourse with an animal, or other pathological sexual practices.

Section 372a

**Support and Promotion of Pathological Sexual Practices**

(1) Whoever supports or whoever, publicly or in a publicly accessible place, promotes, approves, grossly understates or tries to justify a sexual intercourse

- a) with a child,
- b) with a direct line relative or with a sibling,

- c) with a dead person,
- d) with an animal, or
- e) other pathological sexual practices,  
shall be punished by a prison sentence of up to two years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who supports or who, publicly or in a publicly accessible place, promotes, approves, grossly understates or tries to justify paedophilia, necrophilia or zoophilia.

(3) Whoever commits an act referred to in Subsection 2 is not criminally liable if they carried out the promotion demonstrably for the purpose of educational, therapeutic or research activities.

(4) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) and thus obtained a significant benefit,
- b) and thus caused serious damage to the rights of the person concerned,
- c) although they were convicted of the same or a similar act in the preceding twenty four months or sanctioned for the same or a similar act in the preceding twelve months, or
- d) in a more serious manner of conduct.

### Section 373

#### **Slender**

(1) Whoever communicates false information about another person, which is capable of considerably damaging the respect of fellow citizens for such a person, their career and business, their family relations, or that causes them other grievous harm, shall be punished by a prison sentence of up to two years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause significant damage,
- b) out of a special motive,
- c) publicly, or
- d) in entrepreneurial activities in a more serious manner of conduct.

(3) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause damage of large extent, or
- b) thus cause another person to lose their employment, become bankrupt, or the divorce of their marriage.

### Section 374

#### **Illegal Use of Personal Data**

(1) Whoever illegally provides, makes accessible or discloses

- a) the personal data of another person collected in connection with the execution of a public authority or with the exercise of the constitutional rights of a person, or
- b) the personal data of another person obtained in connection with the execution of their own employment, occupation or function, and thus violates the obligations set out under generally binding legal regulations,  
shall be punished by a prison sentence of up to one year.

(2) A prison sentence of up to two years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause serious damage to the rights of the person concerned,
- b) publicly, or
- c) in a more serious manner of conduct.

#### **Damage of a Stranger's Rights**

#### Section 375

(1) Whoever causes serious damage to the rights of another person by

- a) putting someone in error, or
- b) exploiting someone's error,  
shall be punished by a prison sentence of up to two years.

(2) A prison sentence of six months to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct,
- b) against a protected person, or
- c) by impersonating a public official.

(3) A prison sentence of one to five years shall be imposed upon an offender if they obtained a significant benefit for themselves or another person by committing an act referred to in Subsection 1.

#### Section 376

Whoever illegally violates the secrecy of a document or another written document, audio recording, video recording or other recordings, computer data or other documents kept in private by another person by disclosing them or making them accessible to a third person, or otherwise using them, and thus causes serious damage to the rights of another person, shall be punished by a prison sentence of up to two years.

#### Section 377

##### **Violation of the Confidentiality of Spoken Conversation and other Personal Expressions**

(1) Whoever violates the confidentiality of privately spoken statement or other personal expressions by illegally capturing it on a recording device, and makes such recording accessible to a third person, or otherwise uses it, and thus causes serious damage to the rights of another person, shall be punished by a prison sentence of up to two years.

(2) A prison sentence of six months to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) as a member of an organised group,
- b) thus cause significant damage by such act, or
- c) with the intention to obtain a significant benefit for themselves or another person.

(3) An offender shall be punished by a prison sentence of six months to five years if they

- a) committed an act referred to in Subsection 1 as a public official,
- b) cause damage of a large extent by such act, or
- c) commit such an act with the intention of obtaining a benefit of a large extent for themselves or another person.

#### Section 378

##### **Animal Cruelty**

(1) Whoever

- a) tortures an animal, although they were previously convicted for a similar act in the last twelve months or they were convicted for such an act in the last twenty-four months,
- b) tortures an animal in a particularly cruel and brutal manner, or
- c) tortures an animal to death,  
shall be punished by a prison sentence of up to two years.

(2) A prison sentence of one year to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) on several animals,
- b) publicly or in a publicly accessible place,
- c) on animals specifically protected by law, or

d) in a more serious manner of conduct.

Section 378a

**Neglect of Animals**

Whoever, out of negligence, causes death or permanent consequences in respect of the health of several animals that they own or are obliged to take care of by neglecting the necessary care of such animals shall be punished by a prison sentence of up to two years.

CHAPTER TEN

CRIMINAL OFFENCES AGAINST MILITARY SERVICE, CIVIL SERVICE, AGAINST SERVICE IN ARMED FORCES AND AGAINST HOMELAND DEFENCE

**Division I**

**Criminal Offences against Military Service**

Section 379

**Obstructing the Capacity for Service**

(1) Whoever makes themselves or another person permanently or temporarily incapable or less capable to fulfil a military service obligation or other obligations required for homeland defence, shall be punished by a prison sentence of six months to five years.

(2) A prison sentence of three to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1 during a crisis situation.

Section 380

**Failure to Fulfil a Drafting Obligation**

(1) Whoever fails to appear for the draft or fails to undergo a medical examination, with the intention to not fulfil their drafting obligation or to defer its fulfilment, shall be punished by a prison sentence of up to one year.

(2) A prison sentence of six months to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1 in a crisis situation.

Section 381

**Evasion of Military Service Obligation**

(1) Whoever commits machinations with the intention to achieve exemption from the fulfilment of their military service obligation, shall be punished by a prison sentence of up to one year.

(2) Whoever commits machinations with the intention to

a) completely or partly avoid the fulfilment of their military service obligation, or

b) completely or partly facilitate the avoidance of the fulfilment of the military service obligation of another person, shall be punished by a prison sentence of six months to three years.

(3) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2 in a crisis situation.

**Division II**

**Criminal Offences against Civil Service**

**Failure to Commence Civil Service**

Section 382

Whoever, with the intention to avoid civil service, fails to commence it within 24 hours after the expiry of the deadline set out in the call-up paper, shall be punished by a prison sentence of one to five years.

Section 383

Whoever, even out of negligence, fails to commence the civil service within 24 hours after the expiry of the deadline set out in the call-up paper, shall be punished by a prison sentence of up to one year.

**Evasion of Civil Service**

#### Section 384

(1) Whoever, with the intention to avoid civil service or the fulfilment of the obligations arising from it, self-harms, feigns illness, counterfeits an official document, abuses an addictive substance or uses another trick, or whoever refuses to execute the civil service, shall be punished by a prison sentence of six months to three years.

(2) Whoever refuses to fulfil instructions during the execution of the civil service, or whoever continuously fails to fulfil such instructions, shall be punished by a prison sentence of up to two years.

#### Section 385

(1) Whoever, without authorisation, leaves the place of the civil service for more than 48 hours, or whoever sojourns outside such place during such period of time, shall be punished by a prison sentence of up to six months.

(2) Whoever, without authorisation, leaves the place of the civil service for more than 14 days, or whoever sojourns outside such place during such period of time, shall be punished by a prison sentence of six months to three years.

(3) Whoever, with the intention to avoid civil service, leaves the place of such service, or sojourns outside of such place with the same intention, shall be punished by a prison sentence of six months to five years.

### Division III

#### Criminal Offences against Service in Armed Forces

##### Failure to Commence Service in the Armed Forces

#### Section 386

(1) Whoever, with the intention to avoid the military service, fails to commence service in the armed forces within 24 hours after the expiry of the deadline set out in the call-up paper, shall be punished by a prison sentence of two to five years.

(2) A prison sentence of five to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1 during a crisis situation.

#### Section 387

(1) Whoever, even out of negligence, fails to commence service in the armed forces within 24 hours after the expiry of the deadline set out in the call-up paper, shall be punished by a prison sentence of up to two years.

(2) A prison sentence of six months to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1 in a crisis situation.

#### Section 388

Whoever fails to appear from a foreign State to commence military service during the mobilisation of armed forces, even out of negligence, shall be punished by a prison sentence of one to five years.

#### Section 389

##### Violation of Personal and Material Obligations

(1) Whoever, after the declaration of mobilisation of the armed forces, fails to fulfil, even out of negligence, their personal or material obligation or the obligation to accommodate for homeland defence, or whoever intentionally avoids the fulfilment of such obligation, or whoever obstructs or hinders the fulfilment of such obligation by another person, even out of negligence, shall be punished by a prison sentence of six months to three years.

(2) A prison sentence of two to eight years shall be imposed upon an offender if they endanger the interests of homeland defence by committing an act referred to in Subsection 1 to a significant extent.

### Division IV

#### Criminal Offences against Homeland Defence

#### Section 390

##### Collaboration with an Enemy

Whoever, during a state of war or war, procures a benefit for an enemy or supports them in any way shall be punished by a prison sentence of one to ten years, unless it is an act more severely punishable.

#### Section 391

##### War Treason

A citizen of the Slovak Republic who, during a state of war or war, serves in the enemy army or enemy armed force shall be punished by a prison sentence of ten to twenty-five years or a life prison sentence.

#### Section 392

##### **Service in a Foreign Army**

(1) A citizen of the Slovak Republic who, without authorisation, serves in a foreign army shall be punished by a prison sentence of two to eight years.

(2) A prison sentence of five to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1 during a state of war or war.

### CHAPTER ELEVEN

#### MILITARY CRIMINAL OFFENCES

##### **Division I**

##### **Criminal Offences against Military Subordination and Military Honour**

##### **Disobedience of Command**

#### Section 393

(1) Whoever refuses to execute or intentionally fails to execute a command shall be punished by a prison sentence of up to three years.

(2) A prison sentence of two to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) with a group of soldiers,
- b) with a weapon,
- c) under circumstances that could obstruct or significantly hinder the fulfilment of an important service task, or
- d) as a member of the armed forces deployed outside the territory of the Slovak Republic.

(3) The same punishment referred to in Subsection 2 shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death, or
- b) thus endanger the alertness of a unit or another particularly serious consequence.

(4) A prison sentence of five to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1 in a crisis situation.

#### Section 394

(1) Whoever fails to execute a command out of negligence under circumstances that could obstruct or substantially hinder the fulfilment of an important service task, shall be punished by a prison sentence of up to one year.

(2) A prison sentence of six months to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death,
- b) and thus endanger the alertness of a unit or another particularly serious consequence, or
- c) as a member of the armed forces deployed outside the territory of the Slovak Republic.

(3) A prison sentence of three to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1 during a crisis situation.

#### Section 395

##### **Resisting or Forcing the Violation of Military Obligations**

(1) Whoever offers resistance to a soldier who fulfils specifically imposed military obligations, or forces them to violate such obligations, shall be punished by a prison sentence of up to three years.

(2) A prison sentence of two to seven years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or another particularly serious consequence,
- b) with a weapon,
- c) with a group of soldiers, or
- d) as a member of the armed forces deployed outside the territory of the Slovak Republic.

(3) A prison sentence of five to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause death, or
- b) in a crisis situation.

### **Insults among Soldiers**

#### **Section 396**

(1) Any soldier who grossly insults another soldier shall be punished by a prison sentence of up to one year, unless it is a more severe criminal offence.

(2) A prison sentence of six months to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1 in a crisis situation.

#### **Section 397**

(1) Whoever, through violence or the threat of imminent violence, insults a soldier

- a) who is their superior or a higher-ranking officer, or
- b) who is a subordinate or lower-ranking officer,  
shall be punished by a prison sentence of up to two years.

(2) A prison sentence of six months to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause bodily harm,
- b) at the time when they themselves or an insulted soldier execute their service,
- c) against a member of the military guard or military police,
- d) as a member of the armed forces deployed outside the territory of the Slovak Republic, or
- e) with a weapon or with at least two persons.

(3) A prison sentence of three to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause death, or
- b) in a crisis situation.

#### **Section 398**

(1) Whoever, through violence or the threat of imminent violence, insults a soldier of the same rank shall be punished by a prison sentence of up to one year.

(2) A prison sentence of six months to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause bodily harm,
- b) at a time when they themselves or an insulted soldier execute their service,
- c) against a member of the military guard or military police,
- d) as a member of the armed forces deployed outside the territory of the Slovak Republic, or
- e) with a weapon or with at least two persons.

(3) A prison sentence of three to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause death, or
- b) in a crisis situation.

#### Section 399

##### **Violence against a Superior**

(1) Whoever uses violence, the threat of imminent violence, or the threat of another grievous harm against their superior,

- a) with the intention to affect the execution of their military obligations, or
- b) for the execution of their military obligations,  
shall be punished by a prison sentence of one to five years.

(2) A prison sentence of three to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm,
- b) with a weapon,
- c) with at least two persons, or
- d) as a member of the armed forces deployed outside the territory of the Slovak Republic.

(3) A prison sentence of ten to twenty years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause death, or
- b) in a crisis situation.

#### Section 400

##### **Violation of Rights and Protected Interests of Soldiers**

(1) Whoever forces another soldier to perform illegal personal services or restricts their rights, or whoever wilfully hinders the execution of their military service, shall be punished by a prison sentence of up to one year.

(2) A prison sentence of up to two years shall be imposed upon an offender if they committed an act referred to in Subsection 1 against a subordinate or a lower-ranking soldier.

(3) A prison sentence of six months to three years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) by violence, or threats of violence, or the threat of other grievous harm,
- b) with at least two persons, or
- c) as a member of the armed forces deployed outside the territory of the Slovak Republic.

(4) A prison sentence of two to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) and thus cause grievous bodily harm or death,
- b) in a more serious manner of conduct, or
- c) in a crisis situation.

#### **Division II**

##### **Criminal Offences against the Obligation to Execute Military Service**

##### **Evasion of Service Assignment or the Execution of Military Service**

#### Section 401

(1) Whoever, with the intention to avoid the fulfilment of a service assignment, self-harms, feigns illness, counterfeits an official document, abuses an addictive substance or uses another trick, shall be punished by a prison sentence of up to one year.

(2) A prison sentence of up to two years shall be imposed upon an offender if they committed an act referred to in

Subsection 1 as a member of the armed forces deployed outside the territory of the Slovak Republic.

(3) A prison sentence of five to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1 in a crisis situation.

#### Section 402

(1) Whoever, with the intention to avoid military service or the fulfilment of military obligations, self-harms, feigns illness, counterfeits an official document, abuses an addictive substance or uses another trick, or whoever refuses to execute the military service, or the fulfilment of military obligations, shall be punished by a prison sentence of six months to five years.

(2) A prison sentence of two to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1 as a member of the armed forces deployed outside the territory of the Slovak Republic.

(3) A prison sentence of five to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1 in a crisis situation.

#### Section 403

Whoever, while on duty, causes themselves to be entirely or partially unfit for fulfilling their obligations through the consumption of alcohol or other addictive substances, although they were previously charged with a similar act at least twice in the last twelve months, shall be punished by a prison sentence of up to one year.

#### Section 404

Whoever, makes themselves incapable to execute their service in a crisis situation, even out of negligence, by consuming alcohol or other addictive substances, shall be punished by a prison sentence of one to five years.

### **Desertion**

#### Section 405

(1) Whoever is arbitrarily absent with the intention of long term avoidance of military service or whoever is arbitrarily absent for more than 30 days, shall be punished by a prison sentence of six months to five years.

(2) A prison sentence of two to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) with a weapon, or

b) as a member of the armed forces deployed outside the territory of the Slovak Republic.

(3) A prison sentence of five to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1 in a crisis situation.

#### Section 406

(1) Whoever is arbitrarily absent for more than 48 hours or is consistently absent shall be punished by a prison sentence of up to one year.

(2) A prison sentence of up to two years shall be imposed upon an offender if they committed an act referred to in Subsection 1 as a member of the armed forces deployed outside the territory of the Slovak Republic.

(3) Whoever is arbitrarily absent for more than 6 days shall be punished by a prison sentence of six months to three years.

(4) An offender shall be punished by a prison sentence of two to ten years if they are arbitrarily absent for more than 24 hours in a crisis situation.

(5) Whoever is arbitrarily absent and crosses over to the enemy shall be punished by a prison sentence of five to twelve years.

### **Division III**

#### **Criminal Offences against the Obligations of Sentry and Supervisory Service**

#### Section 407

##### **Violation of Obligations of the Guard Service**

(1) Whoever, even out of negligence, violates the rules and regulations of the guard service or another similar service, or special orders issued on their basis, shall be punished by a prison sentence of up to two years.

(2) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in

#### Subsection 1

- a) during the execution of guard service or another similar service, which is of particular State or military importance,
- b) by a particularly gross violation of their obligations,
- c) in a crisis situation, or
- d) as a member of the armed forces deployed outside the territory of the Slovak Republic.

(3) The same punishment referred to in Subsection 2 shall be imposed upon a person who causes damaging consequences through the commission of the act referred to in Subsection 1, which the execution of the guard service or another similar service was intended to avert.

(4) An offender shall be punished by a prison sentence of ten to fifteen years if they intentionally committed an act referred to in Subsection 1 during the execution of the guard or another similar service, which is of particular State or military importance in a crisis situation, and cause damaging consequences which the guard or other similar services was intended to avert.

#### Section 408

##### **Violation of Obligations of the Supervisory Service**

(1) Whoever, even out of negligence, violates the rules and regulations of the supervisory service or another similar service in a serious manner, shall be punished by a prison sentence of up to one year.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person performing supervisory or another similar service that, through the insufficient fulfilment of their obligations, makes it possible for one soldier to request personal services from, restrict the rights, or wilfully hinder the execution of service of another soldier within the scope of such service.

(3) An offender shall be punished by a prison sentence of up to two years if they caused particularly serious consequences by committing an act referred to in Subsection 1, which they were obligated to prevent, or if they committed an act referred to in Subsection 1 as a member of the armed forces deployed outside the territory of the Slovak Republic.

(4) A prison sentence of one to six years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2 in a crisis situation.

#### Section 409

##### **Violation of Obligations of Air Space Defence**

(1) Whoever violates, even out of negligence, the rules and regulations of the radio responder service, rapid reaction units or other facilities designed for the provision of the security of air space, shall be punished by a prison sentence of one to five years.

(2) A prison sentence of three to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause particularly serious consequences.

(3) A prison sentence of eight to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1 in a crisis situation.

#### **Division IV**

##### **Criminal Offences Endangering Combat Readiness**

#### Section 410

##### **Endangering Troop Morale**

(1) Whoever incites soldiers against the military service or against a superior, or whoever otherwise continuously undermines discipline, shall be punished by a prison sentence of six months to six years.

(2) A prison sentence of five to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1 in a crisis situation.

#### Section 411

##### **Violation of Service Obligations**

(1) Whoever, even out of negligence, significantly decreases the application of the weaponry, equipment, or other items or financial resources to the detriment of the units of the armed forces or armed corps by failing to fulfil their assigned service obligations or by violating them, shall be punished by a prison sentence of up to one year.

(2) Whoever, without authorisation, uses material means of a minor value referred to in Subsection 1 or funds of a

minor value for a purpose other than the original one, or whoever gives consent to such use, or whoever exploits or facilitates the exploitation of subordinates for other than service assignments, shall be punished by a prison sentence of up to three years.

(3) An offender shall be punished by a prison sentence of two to eight years if they,

a) by committing an act referred to in Subsection 2, procure a significant benefit for themselves or another person, or

b) by intentionally committing an act referred to in Subsection 1 or 2, cause a reduction in combat readiness, significant damage or another particularly serious consequence.

(4) A prison sentence of five to fifteen years shall be imposed upon an offender if they intentionally committed an act referred to in Subsection 1 or 2 in a crisis situation.

#### Section 412

##### **Cowardice before Enemy**

Whoever, due to cowardice or resignation, surrenders as a prisoner of war in a combat situation shall be punished by a prison sentence of eight to fifteen years.

#### Section 413

##### **Failure to Fulfil a Combat Assignment**

(1) Whoever is arbitrarily absent without authorisation in a combat situation shall be punished by a prison sentence of three to twelve years.

(2) Whoever avoids the obligation to fulfil a combat assignment in a combat situation, or refuses to use a weapon, shall be punished by a prison sentence of ten to fifteen years.

#### Section 414

##### **Desertion of Means of Combat**

(1) Whoever deserts or renders unusable a weapon or other combat material in a combat situation shall be punished by a prison sentence of two to eight years.

(2) A prison sentence of five to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause a particularly serious consequence.

#### Section 415

##### **Surrendering of Means of Combat to the Enemy**

A commander who, without being forced to do so by the combat situation, surrenders, even out of negligence, military forces, or abandons fortified positions, military equipment or other means of combat to the enemy, unless they acted with the intention to support an enemy, shall be punished by a prison sentence of three to twelve years.

#### Division V

**Repealed from 1 April 2009**

#### Section 416

**Repealed from 1 April 2009**

#### CHAPTER TWELVE

### CRIMINAL OFFENCES AGAINST PEACE, AGAINST HUMANITY, CRIMINAL OFFENCES OF TERRORISM, EXTREMISM AND WAR CRIMES

#### Division I

##### **Criminal Offences against Peace and Humanity, Criminal Offences of Terrorism and Extremism**

#### Section 417

##### **Threats to Peace**

(1) Whoever, with the intention to disrupt peace, incites war, promotes war, or otherwise supports war propaganda shall be punished by a prison sentence of one to ten years.

(2) A prison sentence of ten to twenty-five years or a life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in connection with a foreign power or foreign agent,
- b) as a member of a dangerous group, or
- c) in a crisis situation.

#### Section 418

##### **Genocide**

(1) Whoever, with the intention to destroy any nation or any national, ethnic, racial or religious group completely or partially,

- a) causes grievous bodily harm or death to a member of such group,
- b) executes a measure intended to restrict the births of children within such group,
- c) transfers the children of one of such groups to another one by force, or
- d) puts the members of such group into life conditions that are to bring about its complete or partial physical destruction, shall be punished by a prison sentence of fifteen to twenty years.

(2) A prison sentence of twenty to twenty-five years or a life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1 during war or armed conflict.

(3) A life prison sentence shall be imposed upon an offender if they caused death to several persons by committing an act referred to in Subsection 1.

#### Section 419

##### **Terrorist Attack**

(1) Whoever, with the intention to damage the constitutional establishment or defensibility of a country, damages or destroy the basic political, economic or social structure of a country or of an international organisation, seriously intimidate the population or coerce a government of a country or another public authority or international organisation to do, omit or tolerate something,

- a) threatens by committing or commits an attack endangering the life, health of people or their personal freedom,
- b) destroys, disables or damages a public facility, traffic system, telecommunication system, information system, including serious interference with the operation of an information system or interruption of the operation of an information system, fixed platform on undersea shallows, power installation, water-supply installation, healthcare facility or other important facility, public space or property, or threatens by such conduct,
- c) disrupts, disables or interrupts a supply of water, electric energy or other fundamental natural resource in order to put people in danger of death or grievous bodily harm or put another party's assets in danger of damage of a large extent, or threatens by such conduct,
- d) hijacks an aircraft, a ship, another means of passenger or freight transport or a fixed platform on undersea shallows, or exercises control over such a means of transport or fixed platform, or destroys or seriously damages a navigation device or interferes with its operation or provides false information, thus putting the life or health of people and the safety of such means of transport in danger or putting another party's assets in danger of damage of a large extent, or threatens by such conduct,
- e) requires, produces, obtains, stores, owns, possesses, imports, exports, transports, has it transported, delivers or otherwise uses an explosive, nuclear material, radioactive substance, chemical substance, biological agent or toxin, firearm, nuclear weapon, radiobiological weapon, biological weapon, chemical weapon or other weapon, means of combat or material of a similar nature, or performs research and development of a nuclear weapon, biological weapon, chemical weapon or other weapon or means of combat or an explosive, or a facility for the production, treatment, storage or use of nuclear materials, radioactive substances, chemical substances or biological agents and toxins, or threatens by such conduct, or
- f) puts people in danger of death or grievous bodily harm or puts another party's assets in danger of damage of a large extent by causing fire or flood or a harmful effect of explosives, gas, electricity or other similarly hazardous substances or forces, or commits other similar dangerous conduct, or increases such danger or hinders the aversion or mitigation of it, or threatens by such conduct, shall be punished by a prison sentence of twenty to twenty-five years or a life prison sentence.

(2) A life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus caused grievous bodily harm to several persons or the death of several persons,
- b) against a protected person,
- c) against armed forces or armed corps,

- d) as a member of a dangerous group, or
- e) in a crisis situation.

#### Section 419a

##### **Participation in Combat Operations of an Organised Armed Group in the Territory of Another State**

(1) Whoever actively participates in combat operations of an organised armed group during a war in the territory of another State, shall be punished by a prison sentence of two to eight years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who

- a) publicly incites the commission of a criminal offence referred to in Subsection 1,
- b) requests another person to commit or participate in the commission of an act referred to in Subsection 1,
- c) provides or receives knowledge of methods and techniques for the production or use of explosives, firearms or other weapons, harmful substances or other hazardous substances, or other special methods or techniques intended for combat, in order to commit an act referred to in Subsection 1, or
- d) provides financial or other means, services, assistance or creates other conditions for the purposes of the commission of a criminal offence referred to in Subsection 1.

#### Section 419b

##### **Certain Forms of Participation in Terrorism**

(1) Whoever publicly incites the commission of any of the criminal offences of terrorism or publicly endorses any of the criminal offences of terrorism shall be punished by a prison sentence of three to ten years.

(2) Whoever

- a) receives the knowledge of methods or techniques or acquires the skills for the production, storage, transport or use of explosives, firearms, nuclear weapons, biological weapons, chemical weapons, nuclear materials, radioactive substances, chemical substances, biological agents and toxins or other similarly harmful substances or hazardous substances for the purposes of committing any of the criminal offences of terrorism,
- b) provides the knowledge of methods or techniques for the production, storage, transport or use of explosives, firearms, nuclear weapons, biological weapons, chemical weapons, nuclear materials, radioactive substances, chemical substances, biological agents and toxins or other similarly harmful substances or hazardous substances for the purposes of committing any of the criminal offences of terrorism, or
- c) asks another person to commit or participate in committing any of the criminal offences of terrorism, shall be punished by a prison sentence of seven to fifteen years.

#### Section 419c

##### **Terrorist Financing**

(1) Whoever, either themselves or through another person, collects or provides, directly or indirectly, items, funds or other means for a terrorism offender, for a terrorist group or a member thereof or for committing any of the criminal offences of terrorism, or collects items, funds and other means with the intention that they may be used for such a purpose or with the knowledge that they may be used for such a purpose, shall be punished by a prison sentence of five to fifteen years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who, either themselves or through another person, provides items, funds or other means to a close person of a person who participates or participated in the preparation, attempt or commission of any of the criminal offences of terrorism, for their participation in such conduct.

(3) A prison sentence of ten to twenty shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) to a larger extent, or
- b) as a member of a dangerous group

#### Section 419d

##### **Travel for the Purpose of Terrorism**

(1) Whoever travels from the Slovak Republic or across the territory of the Slovak Republic to another country for the purpose of committing any of the criminal offences of terrorism, except for a criminal offence of terror under Section 313 and 314 and a criminal offence of terrorist attack under Section 419, shall be punished by a prison sentence of five to twelve years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who travels from another country to the Slovak Republic for the purpose of committing any of the criminal offences of terrorism, except for a criminal

offence of terror under Section 313 and 314 and a criminal offence of terrorist attack under Section 419.

#### Section 420

##### **Torture and Other Inhumane or Cruel Treatment**

(1) Whoever, in connection with exercising their powers of public authority, from their motion or with their explicit or implicit consent, causes physical or mental suffering through maltreatment, torture or other inhumane or cruel treatment shall be punished by a prison sentence of two to six years.

(2) A prison sentence of three to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) with at least two persons,
- b) in a more serious manner of conduct,
- c) against a protected person,
- d) out of a special motive, or
- e) against a person whose personal freedom was restricted under the law.

(3) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death,
- b) to obstruct or hinder the application of another person's fundamental rights and freedoms, or
- c) as a member of a dangerous group.

(4) A prison sentence of twelve to twenty years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause grievous bodily harm or death to several persons, or
- b) in a crisis situation.

#### Section 420a

##### **Involuntary Disappearance**

(1) Whoever, as a representative of the State, or a person or member of a group acting upon the authority, support or silent consent of the State, detains, arrests, kidnaps or otherwise confines any other person and then refuses to confirm such confinement or conceals the fate or location of the other person and thereby makes it impossible for another to execute statutory protection shall be punished by a prison sentence of seven to twelve years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person that as a superior

- a) knew or had information suggesting subordinate persons subject to their authority had committed or intended to commit an act referred to in Subsection 1,
- b) had actual responsibility for activities and the inspection of activities connected with an act referred to in Subsection 1, or
- c) failed to take necessary and suitable measures within their authority to prevent or obstruct an act referred to in Subsection 1 or failed to notify the competent authorities of the act referred to in Subsection 1 for the purposes of investigation or criminal prosecution.

(3) A prison sentence of ten to fifteen years shall be imposed upon a person who

- a) relocates, without authorisation, a child against whom an act referred to in Subsection 1 has been committed or a child born at the time their mother, against whom an act referred to in Subsection 1 was committed, was held in captivity,
- b) relocates, without authorisation, a child against whose father, mother or legal representative an act referred to in Subsection 1 has been committed, or
- c) counterfeits, conceals or destroys documents confirming the true identity of the child referred to in Paragraph a) or b).

(4) A prison sentence of fifteen to twenty years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) against a protected person, or
- b) thus cause grievous bodily harm or death.

## **Support and Promotion of Groups Directed at the Suppression of Fundamental Rights and Freedoms**

### Section 421

#### **Establishment, Support and Promotion of Movements Directed at the Suppression of Fundamental Rights and Freedoms**

(1) Whoever establishes, supports or promotes a group, movement or ideology which is directed at the suppression of the fundamental rights and freedoms of persons or which propagates racial, ethnic, national or religious hatred<sup>(1)</sup> or whoever promotes a group, movement or ideology that was directed at the suppression of the fundamental rights and freedoms of persons in the past, shall be punished by a prison sentence of one to five years.

(2) An offender shall be punished by a prison sentence of four to eight years if they committed an act referred to in Subsection 1

- a) publicly or in a publicly accessible place,
- b) in a more serious manner of conduct, or
- c) in a crisis situation.

### Section 422

#### **Expression of Sympathy for Movements Directed at the Suppression of Fundamental Rights and Freedoms**

(1) Whoever, publicly or in a publicly accessible place, particularly by using flags, badges, uniforms or slogans, expresses sympathy for a group, movement or ideology which is directed or was directed in the past at the suppression of the fundamental rights and freedoms of persons or which propagates racial, ethnic, national or religious hatred,<sup>(1)</sup> shall be punished by a prison sentence of six months to three years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who uses altered flags, badges, uniforms or slogans appearing to be genuine during the commission of an act referred to in Subsection 1.

### Section 422a

#### **Production of Extremist Material**

(1) Whoever produces extremist material or is accessory to such production shall be punished by a prison sentence of three to six years.

(2) An offender shall be punished by a prison sentence of four to eight years if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct, or
- b) as a member of an extremist group.

### Section 422b

#### **Distribution of Extremist Material**

(1) Whoever copies, transports, procures, makes accessible, puts into circulation, imports, exports, offers, sells, ships or distributes extremist material, shall be punished by a prison sentence of one to five years.

(2) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) in a more serious manner of conduct,
- b) publicly, or
- c) as a member of an extremist group.

### Section 422c

#### **Possession of Extremist Material**

Whoever possesses extremist material shall be punished by a prison sentence of up to two years.

### Section 422d

#### **Denial and Approval of the Holocaust, the Crimes of Political Regimes and the Crimes against Humanity**

(1) Whoever publicly denies, disputes, approves or tries to justify the holocaust, the crimes of a regime based on a fascist ideology, the crimes of a regime based on a communist ideology or crimes of a similar movement which through violence, threat of violence or threat of other grievous harm leads to the suppression of fundamental rights and freedoms of

persons shall be punished by a prison sentence of six months to three years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who publicly denies, approves, doubts, seriously derogates or tries to justify genocide, crimes against peace, crimes against humanity or war crimes in a manner that may incite violence or hatred against a group of persons or a member of such a group, if the offender or an accessory to such an act was convicted by a final judgment of an international court established under international public law, the authority of which is recognised by the Slovak Republic, or by a final judgment of a court of the Slovak Republic.

#### Section 423

##### **Defamation of Nation, Race and Conviction**

(1) Whoever publicly defames

- a) any nation, its language, any race or ethnic group, or
- b) a group of persons or an individual because of their actual or deemed belonging to a race, nation, nationality, ethnicity, because of their actual or deemed origin, skin colour, religion, or because they have no religion, shall be punished by a prison sentence of one to three years.

(2) A prison sentence of two to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) as a member of an extremist group,
- b) as a public official, or
- c) out of a special motive.

#### Section 424

##### **Incitement to National, Racial and Ethnic Hatred**

(1) Whoever publicly incites violence or hatred against a group of persons or an individual because of their actual or deemed belonging to a race, nation, nationality, ethnicity, because of their actual or deemed origin, skin colour, sexual orientation, religion, or because they have no religion, or whoever publicly incites restriction of their rights and freedoms, shall be punished by a prison sentence of up to three years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who plots or assembles to commit an act referred to in Subsection 1.

(3) A prison sentence of two to six years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2

- a) out of a special motive,
- b) as a public official,
- c) as a member of an extremist group, or
- d) in a crisis situation.

#### Section 424a

##### **Apartheid and Discrimination of Groups of Persons**

(1) Whoever exercises apartheid or racial, ethnic, national or religious segregation, or any other extensive or systematic discrimination of a group of persons, shall be punished by a prison sentence of four to ten years.

(2) A prison sentence of eight to fifteen years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) as a member of an extremist group,
- b) as a public official,
- c) out of a special motive,
- d) thus exposing such a group of persons to inhumane or degrading treatment,
- e) thus putting such a group of persons at risk of grievous bodily harm or death, or
- f) in a crisis situation.

#### Section 425

## **Attacks against Humanity**

Whoever, as part of an extensive or systematic attack against the civil population, commits

- a) murder,
- b) extermination of people,
- c) enslavement,
- d) deportation or forcible relocation of a population,
- e) torture,
- f) rape, sexual slavery, forced prostitution, forced pregnancy, unlawful sterilization or any other form of sexual violence of a comparable severity,
- g) persecution of a group of a population on a political, racial, national, ethnic, cultural or religious basis, because of gender or for another similar reason,
- h) imprisonment or other serious deprivation of personal freedom violating the basic rules of international law, or any other restriction of personal freedom with the subsequent involuntary disappearance of people,
- i) apartheid or other similar segregation or discrimination, or
- j) any other inhumane act,  
shall be punished by a prison sentence of twelve to twenty-five years or a life prison sentence.

## **Division II**

### **War Crimes**

#### Section 426

### **Use of Prohibited Means of Combat and Clandestine Warfare**

(1) Whoever orders during a war

- a) the use of prohibited means of combat or materials of a similar nature or uses such means or material, or
- b) clandestine warfare, or executes such combat themselves,  
shall be punished by a prison sentence of four to ten years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a commander who, contrary to the provisions of international law on the means and methods of warfare, intentionally

- a) damages the lives, health or assets of the civilian population by its military operation, or wages an attack against them due to a reprisal, wages an attack against an undefended place or demilitarised zone,
- b) destroys or damages a water dam, nuclear power plant or similar facilities containing dangerous forces, or
- c) destroys or damages an object designated for humanitarian purposes or an internationally recognised cultural or natural monument.

(3) A prison sentence of ten to twenty years shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2 and thus cause

- a) grievous bodily harm or death to several persons,
- b) damage of a large extent, or
- c) another particularly serious consequence.

#### Section 427

### **Looting in the Area of Military Operations**

(1) Whoever, in the area of military operations, in the battlefield, in the areas affected by military operations, or in the occupied territory,

- a) appropriates a stranger's item, exploiting such person's distress,
- b) wilfully destroys a stranger's assets or takes a stranger's assets under the pretext of war necessity, or
- c) robs the dead or wounded soldiers,

shall be punished by a prison sentence of four to ten years.

(2) A prison sentence of seven to twelve years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) using violence, the threat of violence or other grievous harm, or
- b) against persons or items under special protection under the law or international legal regulations.

(3) The same punishment referred to in Subsection 2 shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause

- a) grievous bodily harm, or
- b) significant damage.

(4) A prison sentence of ten to twenty years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause

- a) death, or
- b) damage of a large extent.

#### Section 428

##### **Abuse of Internationally Recognised Identifications and State Symbols**

(1) Whoever, during a war, abuses the identification of the Red Cross or other identification symbols or colours recognised by international law for the identification of medical institutions, vehicles, medical assistance personnel or evacuation personnel, shall be punished by a prison sentence of three to ten years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who, during a war, abuses the United Nations symbol, State flag, State symbol, military symbol, rank or uniform of a neutral State, or another State which is not a party to the war.

(3) A prison sentence of twelve to twenty-five years or a life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1 or 2 and thus cause, as a means of military treachery,

- a) the death of several persons,
- b) damage of a large extent, or
- c) another particularly serious consequence.

#### Section 429

##### **Attack against a Parlementaire**

(1) Whoever insults a parlementaire or a member of their team, or who illegally detains such person, shall be punished by a prison sentence of up to two years.

(2) An offender shall be punished by a prison sentence of four to eight years if they caused grievous bodily harm to the parlementaire or a member of their team by committing an act referred to in Subsection 1.

(3) An offender shall be punished by a prison sentence of seven to twelve years if they caused the death of the parlementaire or a member of their team by committing an act referred to in Subsection 1.

#### Section 430

##### **Abuse of Requisition Rights**

(1) Whoever, during a war,

- a) abuses the powers vested in them in connection with military requisitions,
- b) executes requisitions, although they were not authorised to do so, or
- c) refuses to issue a certificate about the type and quantity of items surrendered in a military requisition, shall be punished by a prison sentence of one to five years.

(2) A prison sentence of three to eight years shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus cause significant damage,
- b) using violence, the threat of violence or the threat of another grievous harm, or

c) against persons or items under special protection under the law or international legal regulations.

(3) A prison sentence of five to ten years shall be imposed upon an offender if they committed an act referred to in Subsection 1 and thus cause damage of a large extent.

#### Section 431

##### **War Atrocities**

(1) Whoever violates the regulations of international law during a war by the cruel treatment of the helpless civilian population, refugees, wounded persons, members of the armed forces who have laid down their arms, or prisoners of war, shall be punished by a prison sentence of four to ten years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who, during a war, violates the regulations of international law by

a) failing to take effective measures for the protection of persons who are in need of such assistance, in particular children, women and wounded or elderly persons, or whoever prevents such measures from being taken, or

b) preventing or restricting the civil protection organisations of the enemy, of a neutral or another State in the fulfilment of their humanitarian tasks.

(3) An offender shall be punished by a prison sentence of ten to twenty-five years or a life prison sentence, if they caused grievous bodily harm or death or another particularly serious consequence by committing an act referred to in Subsection 1 or 2.

#### Section 432

##### **Persecution of the Population**

(1) Whoever, during a war, commits inhumane acts on the grounds of national, racial or ethnic discrimination, or terrorises the helpless civilian population by violence or the threat of its use, shall be punished by a prison sentence of four to ten years.

(2) The same punishment referred to in Subsection 1 shall be imposed upon a person who, within the period referred to in Subsection 1,

a) destroys or seriously disrupts the source of fundamental necessities of life of the civilian population in an occupied territory or the buffer zone, or whoever wilfully refuses to provide the population with the assistance necessary for their survival,

b) delays, without justifiable reasons, the return of the civilian population or prisoners of war,

c) resettles, without justifiable reasons, the civilian population of the occupied territory,

d) settles the occupied territory with the population of their own State, or

e) wilfully denies the civilian population or prisoners of war the right to have their criminal offences decided by impartial courts.

(3) An offender shall be punished by a prison sentence of ten to twenty-five years or by a life prison sentence if they caused grievous bodily harm or death or another particularly serious consequence by committing an act referred to in Subsection 1 or 2.

#### Section 433

##### **War Injustice**

(1) Whoever commits an act that is deemed to be a war crime under Article 8 of the Rome Statute of the International Criminal Court shall be punished by a prison sentence of twelve to twenty-five years or a life prison sentence.

(2) A life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1

a) and thus cause grievous bodily harm or death to several persons, or another particularly serious consequence, or

b) for a reward.

#### Section 434

##### **Endangering Cultural Values**

Whoever, during a war,

a) destroys or appropriates objects of a cultural value protected under an international convention to a large extent,

b) commits plundering, vandalism or other misuses of such object,

- c) makes such object the target of an attack contrary to the international convention, or
- d) exploits an object of cultural value under increased protection under an international convention or its immediate vicinity for military support, contrary to an international convention,  
shall be punished by a prison sentence of three to ten years.

### **Division III**

#### **Common Provisions**

##### Section 435

(1) For the purposes of the application of the provisions of this Chapter a war means

- a) an international armed conflict, or
- b) a lengthy armed conflict on the territory of the State between the Government authorities and organised armed groups, or between such groups fighting against each other, except for domestic unrest and tensions, such as rebellions, isolated and occasional acts of violence or acts of a similar nature.

(2) An army commander means a person effectively acting as an army commander.

(3) An army commander is criminally liable for the criminal offences referred to in this Chapter even if they were committed by the armed forces under their effective command and control, as a result of their failure to exercise proper control over such forces, if they

- a) knew or based on the circumstances at the time, they should have known that the armed forces were committing or about to commit such criminal offences, and
- b) failed to take all necessary and reasonable measures within their competency to prevent or suppress their commission, or failed to submit the matter to the competent authorities for investigation and criminal prosecution.

(4) A superior, except for a superior referred to in Subsection 3, is criminally liable for criminal offences referred to in this Chapter even if they were committed by their subordinates under their effective authority and control, as a result of their failure to exercise control properly over such subordinates, if

- a) they knew or consciously disregarded information which clearly indicated, that the subordinates were committing or about to commit such criminal offences,
- b) the criminal offences concerned activities that were within the effective responsibility and control of the superior, and
- c) they failed to take all necessary and reasonable measures within their competency to prevent or suppress their commission, or failed to submit the matter to the competent authorities for investigation and criminal prosecution.

### **PART THREE**

#### **COMMON, INTERIM AND FINAL PROVISIONS**

##### Section 436

#### **Common Provisions**

This Act addresses the legal binding acts and the European Union listed in the Annex.

#### **Interim Provisions**

##### Section 437

(1) If it is necessary to determine whether a criminal offence under Act No. [140/1961 Coll.](#), of the Penal Code, as amended, shows the signs of an offence, crime or a particularly serious crime under this Act, the provisions of Section 10 and 11 of this Act shall be applied depending upon the degree of fault and criminal penalty referred to in Act No. [140/1961 Coll.](#), of the Penal Code, as amended.

(2) When assessing the fulfilment of conditions for the decision making on a conditional release from serving a prison sentence, or the decision making on a conditional waiver from serving the remaining term of the sentence, in respect of the punishments imposed after this Act came into effect for a criminal offence under Act No. [140/1961 Coll.](#), of the Penal Code, as amended, this Act shall be applied.

(3) When assessing the fulfilment of conditions for decision making on a conditional release from serving a prison sentence, or the decision making on a conditional waiver from serving the remaining term of the sentence, in respect of the punishments imposed before this Act came into full force and effect, the current regulations shall be applied. A person convicted to an exceptional prison sentence under [Section 43 Subsection 1 of Act No. 140/1961 Coll.](#), of the Penal Code, as amended, may be conditionally released only after they served three quarters of the prison sentence imposed; a person convicted under these provisions to an exceptional life prison sentence may not be conditionally released.

(4) If it came to the limitation of the criminal prosecution or to the limitation of the execution of the punishment before this Act came into full force and effect under the current regulations, the provisions on the limitation of criminal prosecution or the execution of the punishment shall not be applied under this Act.\*\*)

(5) The provisions of Section 47 Subsection 2 shall also apply to a person who was punished for any of the criminal offences referred to in [Section 43 Subsection 1 of Act No. 140/1961 Coll.](#), of the Penal Code, as amended, if the person committed another criminal offence referred to in Section 47 Subsection 2, after this Act came into effect.

(6) The court may decide under Section 34 Subsection 8 Paragraph d) even if the offender was punished for any of the criminal offences referred to in [Section 43 Subsection 1 of Act No. 140/1961 Coll.](#), of the Penal Code, as amended, which was committed before this Act came into effect.

#### Section 438

(1) Where this Act refers to a correctional facility of minimum, medium or maximum degrees of security, it shall mean the first, second or third correctional group under current regulations.

(2) Where the generally binding legal regulations pronounced into full force and effect of this Act use the term of a particularly serious criminal offence, it shall mean a crime under this Act.

#### Section 438a

##### **Interim Provisions to Amendments in full force and effect since 20 December 2008**

The provisions of Section 269a shall apply only if the offender or the vendor was affected by the previous decision after 19 December 2008.

#### Section 438b

##### **Interim Provisions to Amendments in full force and effect since 1 January 2009**

If the criminal liability of an act is assessed and the punishment is imposed under the law valid before 1 January 2009, a monetary penalty since 1 January 2009 shall be imposed so that its amount expressed in Slovak Crowns shall be converted to euros in accordance with the exchange rate, and it shall be rounded according to the principles of rounding and other principles of euro transition as defined in generally binding legal regulations.

#### Section 438c

##### **Interim Provisions to Amendments in full force and effect since 1 September 2010**

The confiscation of a monetary sum under Section 83a and the confiscation of assets under Section 83b may be imposed upon a legal entity only if the criminal offence referred to in Section 83a Subsection 1 or in Section 83b Subsection 1, was committed, even at the stage of an attempt, or if the participation in a criminal offence occurred after 31 August 2010.

#### Section 438d

##### **Interim Provisions to Amendments in full force and effect since 1 November 2011**

The provision of Section 61 Subsection 3 and 5 shall also apply to a person who was convicted for any of the criminal offences stated in Section 61 Subsection 3 or 5 before 1 November 2011 if such person committed another criminal offence stated in Section 61 Subsection 3 or 5 after 1 November 2011. However, the court does not have to take into consideration any conviction imposed before 1 November 2011 if, due to the extraordinary circumstances of previous cases, the application of the criminal penalty of punishment by disqualification set out in Section 61 Subsection 3 or 5 would be disproportionately severe.

#### Section 438e

##### **Interim Provisions to Amendments in full force and effect since 1 January 2013**

A conviction by a court of another Member State of the European Union shall not be taken into account under Section 7b Subsection 2 if it came into effect prior to 1 January 2013.

#### Section 438f

##### **Interim Provisions to Amendments in full force and effect since 1 August 2013**

(1) Punishment by deportation imposed under Act No. 140/1961 Coll., Criminal Code, as amended, shall be deemed executed after expiration of fifteen years from the ordering of its execution; the provision of Section 93 Subsection 2 shall not be affected thereby.

(2) Execution of the punishment by deportation under Subsection 1 shall be notified to the criminal register by the court that decided in the matter in the first instance, either at the request of the convicted or even without such request.

#### Section 438g

##### **Interim Provisions to Amendments in full force and effect since 1 January 2016**

The provisions of this Act on inspection by technical means effective from 1 January 2016 shall not apply to punishments, reasonable restrictions and obligations, or educational restrictions and obligations finally imposed prior to 1 January 2016.

#### Section 438h

#### **Transitional Provision to Amendments in Effect from 1 August 2019**

The provisions of Section 67 Subsection 2 and Section 68 Subsection 1 in the wording effective from 1 August 2019 shall also apply to the convicted upon whom a life prison sentence was imposed under Section 34 Subsection 8 or Section 67 Subsection 3 in the wording effective until 31 July 2019.

#### **Final Provisions**

#### Section 439

The following shall be repealed:

1. Act No. [165/1950 Coll.](#), for the protection of peace,
2. Act No. [140/1961 Coll.](#), of the Penal Code as amended according to Act No. [53/1963 Coll.](#), Act No. [184/1964 Coll.](#), Act No. [56/1965 Coll.](#), Act No. [81/1966 Coll.](#), Act No. [148/1969 Coll.](#), Act No. [45/1973 Coll.](#), Act No. [43/1980 Coll.](#), statutory measure No. [10/1989 Coll.](#), Act No. [159/1989 Coll.](#), Act No. [47/1990 Coll.](#), Act No. [84/1990 Coll.](#), Act No. [175/1990 Coll.](#), Act No. [457/1990 Coll.](#), Act No. [545/1990 Coll.](#), Act No. [490/1991 Coll.](#), Act No. [557/1991 Coll.](#), findings of the Constitutional Court of the Czech and Slovak Federative Republic of 4. September 1992 published in [93/1992 Coll.](#), Act of the National Council of the Slovak Republic No. [177/1993 Coll.](#), Act of the National Council of the Slovak Republic No. [248/1994 Coll.](#), Act of the National Council of the Slovak Republic No. [102/1995 Coll.](#), Act of the National Council of the Slovak Republic No. [233/1995 Coll.](#), Act of the National Council of the Slovak Republic No. [100/1996 Coll.](#), Act No. [13/1998 Coll.](#), Act No. [129/1998 Coll.](#), Act No. [10/1999 Coll.](#), Act No. [183/1999 Coll.](#), Act No. [399/2000 Coll.](#), Act No. [253/2001 Coll.](#), Act No. [485/2001 Coll.](#), Act No. [237/2002 Coll.](#), Act No. [421/2002 Coll.](#), Act No. [448/2002 Coll.](#), Act No. [553/2002 Coll.](#), Act No. [457/2003 Coll.](#), Act No. [403/2004 Coll.](#), Act No. [576/2004 Coll.](#), Act No. [613/2004 Coll.](#), Act No. [757/2004 Coll.](#) and Act No. [227/2005 Coll.](#),
3. Act No. [120/1962 Coll.](#) on Fight against alcoholism,
4. Act No. [448/2002 Coll.](#), on Protective supervision and which also amends Act No. [140/1961 Coll.](#) of the Penal Code, as amended pursuant to Act No. [550/2003 Coll.](#)

#### Section 440

This Act comes into effect on 1 January 2006.

Act No. [650/2005 Coll.](#) became effective on 1 January 2006.

Act No. [692/2006 Coll.](#) became effective on 1 January 2007.

Act No. [218/2007 Coll.](#) became effective on 1 June 2007.

Act No. [491/2008 Coll.](#) became effective on 15 December 2008.

Act No. [497/2008 Coll.](#) became effective on 20 December 2008.

Act No. [498/2008 Coll.](#) became effective on 1 January 2009.

Act No. [59/2009 Coll.](#) became effective on 1 April 2009.

Act No. [257/2009 Coll.](#) became effective on 1 September 2009.

Act No. [317/2009 Coll.](#) became effective on 1 November 2009.

Act No. [492/2009 Coll.](#) became effective on 1 December 2009.

Act No. [576/2009 Coll.](#) became effective on 1 January 2010.

Act No. [224/2010 Coll.](#) became effective on 1 September 2010.

Act No. [547/2010 Coll.](#) became effective on 1 January 2011.

Act No. [33/2011 Coll.](#) became effective on 1 May 2011.

Act No. [262/2011 Coll.](#) became effective on 1 September 2011.

Act No. [313/2011 Coll.](#) became effective on 1 November 2011.

Act No. [246/2012 Coll.](#) became effective on 1 October 2012.

Act No. [428/2012 Coll.](#) became effective on 21 December 2012.

Act No. [334/2012 Coll.](#) became effective on 1 January 2013.

Resolution No. [189/2013 Coll.](#) became effective on 4 July 2013.

Act No. [204/2013 Coll.](#) became effective on 1 August 2013.

Act No. [1/2014 Coll.](#) became effective on 1 February 2014.

Act No. [260/2014 Coll.](#) became effective on 26 September 2014.

Act No. [73/2015 Coll.](#) came into effect on 1 May 2015.

Act No. [174/2015 Coll.](#) came into effect on 1 September 2015.

Act No. [78/2015 Coll.](#), Act No. [87/2015 Coll.](#), Act No. [397/2015 Coll.](#), Act No. [398/2015 Coll.](#), Act No. [440/2015 Coll.](#) and Act No. [444/2015 Coll.](#) came into effect on 1 January 2016.

Act No. [91/2016 Coll.](#) and Act No. [125/2016 Coll.](#) became effective on 1 July 2016.

Act No. [316/2016 Coll.](#) came into effect on 1 January 2017.

Act No. [264/2017 Coll.](#) became effective on 8 November 2017.

Act No. [274/2017 Coll.](#) became effective on 1 January 2018.

Act No. [161/2018 Coll.](#) became effective on 1 July 2018.

Act No. [321/2018 Coll.](#) became effective on 1 January 2019.

The finding of the Constitutional Court published under No. [38/2019 Coll.](#) became effective on 20 February 2019.

Act No. [35/2019 Coll.](#) became effective on 1 July 2019.

Act No. [214/2019 Coll.](#) became effective on 1 August 2019.

Acts No. [420/2019 Coll.](#) and No. [474/2019 Coll.](#) became effective on 1 January 2020.

**Ivan Gašparovič by own hand**

**Pavol Hrušovský by own hand**

**Mikuláš Dzurinda by own hand**

#### **Annex**

#### **ANNEXED LIST OF ASSUMED LEGAL BINDING ACTS AND EUROPEAN UNION**

1. Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence (Special Issue OJ EU, chapter 19/vol. 6; OJ EU L 328, 05.12.2002).

2. Council Framework Decision 2000/383/JHA of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro (Special Issue OJ EU, chapter 19/vol. 1; OJ EC L 140, 14.06.2000) amending Council Framework Decision 2001/888/JHA of 6 December 2001 (Special Issue OJ EU, chapter 19/vol. 4; OJ ECL 329, 14.12.2001).

3. Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings (Special Issue OJ EU, chapter 19/vol. 4; OJ ECL 82, 22.03.2001).

4. Council Framework Decision 2001/413/JHA of 28 May 2001 on combating fraud and counterfeiting of non-cash means of payment (Special Issue OJ EU, chapter 15/vol. 6; OJ ECL 149, 02.06.2001).

5. Council Framework Decision 2001/500/JHA of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime (Special Issue OJ EU, chapter 19/vol. 4; OJ EC L 182, 05.07.2001).

6. Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism (Special Issue OJ EU, chapter 19/vol. 6; OJ EC L 164, 22.06.2002).

7. Council Framework Decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence (Special Issue OJ EU, chapter 19/vol. 6; OJ EC L 328, 05.12.2002).

8. Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (Special Issue OJ EU, chapter 19/vol. 6; OJ EU L 192, 31.07.2003).

9. Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking (OJ EU L 335, 11.11.2004).
10. Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law (OJ EU L 328, 06.12.2008).
11. Council Framework Decision 2005/222/JHA of 24 February 2005 on attacks against information systems (OJ EU L 69, 16.03.2005).
12. Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism (OJ EU L 330, 09.12.2008).
13. Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (OJ EU L 300, 11.11.2008).
14. Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law (OJ EU L 328, 06.12.2008).
15. Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009, providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ EU L 168, 30.06.2009).
16. Directive 2009/123/EC of the European Parliament and of the Council of 21 October 2009 amending Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements (OJ EU L 280, 27.10.2009).
17. Council Framework Decision 2008/675/JHA of 24 July 2008 on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings (OJ EU L 220, 15. 8. 2008).
18. Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ EU L 101, 15.4.2011)
19. Directive 2011/92/EU of the European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ EU L 335, 17.12.2011)
20. Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (Special Issue OJ EU, chapter 5/vol. 5) in amendment of Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 (OJ EU L 141, 27.5.2011)
21. Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA (OJ EU L 151, 21.5.2014).
22. Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order (OJ EU L 338, 21.12.2011).
23. Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA (OJ EU L 218, 14.8.2013).
24. Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union (OJ EU L 127, 29.4.2014).
25. Directive 2014/57/EU of the European Parliament and of the Council of 16 April 2014 on criminal sanctions for market abuse (Market Abuse Directive) (OJ EU L 173, 12.6.2014).
26. Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ EU L 88, 31.3.2017).
27. Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ EU L 132, 21.5.2016).
28. Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ EU L 198, 28.7.2017).

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\*) Editor's note:

Based on the finding of the Constitutional Court of the Slovak Republic No. [428/2012 Coll.](#), the words "the court shall impose a punishment above one half of such determined criminal penalty of a prison sentence upon the offender" in the text after the semicolon in Section 41 Subsection 2 of the Penal Code are not consistent with Article 1 Subsection 1 of the Constitution of the Slovak Republic. Under Article 125 Subsection 3 of the Constitution of the Slovak Republic, the words in the text after the semicolon in the provision of Section 41 Subsection 2 "the court shall impose a

punishment above one half of such determined criminal penalty of a prison sentence upon the offender” in Act No. 300/2005 Col., Penal Code, as amended, shall cease to have effect on the day of the pronouncement of this finding in the Collection of Acts of the Slovak Republic.

\*\*) Editor's note:

Based on the finding of the Constitutional Court of the Slovak Republic No. [260/2014 Coll.](#) the second sentence in Section 437 Subsection 4 of the Penal Code is not consistent with [Article 1 Subsection 1](#), [Article 2 Subsection 2](#) and [Article 50 Subsection 6](#) of the Constitution of the Slovak Republic.

\*\*\*) Editor's note:

Based on the finding of the Constitutional Court of the Slovak Republic No. [38/2019 Coll.](#):

- the provision of Section 421 Subsection 1 in the part “or hatred against another group of persons” and the provision of Section 422 Subsection 1 in the part “or hatred against another group of persons” are inconsistent with [Article 1 Subsection 1](#), [Article 26 Subsection 4](#) and [Article 49](#) of the Constitution of the Slovak Republic,

- the provision of Section 423 Subsection 1 Paragraph b) in the part “political opinions” and the provision of Section 424 Subsection 1 in the part “political opinions” are inconsistent with [Article 26 Subsection 4](#) of the Constitution of the Slovak Republic.

The aforesaid provisions of the Criminal Code cease to have effect from 20 February 2019.