

# **Criminal Code of 2009. Law no. 286/2009 - Criminal Code New Criminal Code**

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## *CONTENTS*

### *GENERAL PART*

#### *TITLE I - CRIMINAL LAW AND ITS APPLICATION LIMITS*

*Art 1-14*

##### *CHAPTER I - GENERAL PRINCIPLES*

*Art 1-2*

##### *CHAPTER II - CRIMINAL ENFORCEMENT*

*Art 3-14*

*Criminal Enforcement Section 1 while*

*Art 3-7*

*Section 2 of the application of criminal law in space*

*Art 8-14*

#### *TITLE II*

##### *Offense*

*Art 15-52*

##### *CHAPTER I - GENERAL PROVISIONS*

*Art 15-17*

##### *CHAPTER II - SUPPORTING CAUSES*

*Art 18-22*

##### *CHAPTER III - THE CAUSES OF NEIMPUTABILITATE*

*Art 23-31*

##### *CHAPTER IV - ATTEMPT*

*Art 32-34*

##### *CHAPTER V - UNIT AND MULTIPLE*

##### *CRIMES*

*Art 35-45*

##### *CHAPTER VI - THE AUTHOR AND PARTICIPANTS*

*Art 46-52*

#### *TITLE III*

##### *PENALTIES*

*Art 53-106*

##### *CHAPTER I - CATEGORIES OF SENTENCES*

*Art 53-55*

##### *CHAPTER II - to principal*

*Art 56-64*

*Section 1 life imprisonment*

*Art 56-59*

*Section 2 of Prison*

*Article 60*

*Section 3 amended*

*Art 61-64*

##### *CHAPTER III - additional punishment and penalties*

ADDITIONAL

Art 65-70

Section 1 accessory penalty

Article 65

Section 2 alternative sanctions

Art 66-70

CHAPTER IV - The calculation of SENTENCES

Art 71-73

CHAPTER V - individualisation of penalties

Art 74-106

Section 1 General Provisions

Article 74

Section 2 of the mitigating and aggravating circumstances

Art 75-79

Section 3 Waiver of penalty

Art 80-82

Section 4 of the conditional sentence

Art 83-90

Section 5 of the suspended sentence under surveillance

Art 91-98

Section 6 of parole

Art 99-106

TITLE IV

Precautions

Art 107-112

CHAPTER I - GENERAL PROVISIONS

Art 107-108

CHAPTER II - PROCEDURE Precautions

Art 109-112

TITLE V

MINORITY

Art 113-134

CHAPTER I - criminal liability regime

MINOR

Art 113-116

CHAPTER II - PROCEDURE educational measures

Non-custodial

Art 117-123

CHAPTER III - THE REGIME educational measures

Custodial

Art 124-127

CHAPTER IV - PROVISIONS COMMON

Art 128-134

TITLE VI

Criminal liability of legal persons

Art 135-151

CHAPTER I - GENERAL PROVISIONS

Art 135-137

CHAPTER II - ADDITIONAL penalty system

Legal entities

Art 138-145

CHAPTER III - COMMON PROVISIONS

Art 146-151

TITLE VII

CAUSES removes criminal liability

Art 152-159

TITLE VIII

Removes or modifies CAUSES PERFORMANCE

PENALTY

Art 160-164

TITLE IX

CAUSES resolve the consequences of conviction

Art 165-171

TITLE X

Meaning of certain terms or phrases in the law

CRIMINAL

Art 172-187

THE SPECIAL

TITLE I

Crimes against the person

Art 188-227

CHAPTER I - CRIMES AGAINST LIFE

Art 188-192

CHAPTER II - CRIMES AGAINST INTEGRITY

BODY OR HEALTH

Art 193-198

CHAPTER III - offenses committed on a

FAMILY MEMBER

Art 199-200

CHAPTER IV - Attacks on the fetus

Art 201-202

CHAPTER V - THE OBLIGATION OF CRIMES

ASSISTANCE OF THOSE AT RISK

Art 203-204

CHAPTER VI - CRIMES AGAINST FREEDOM

PERSON

Art 205-208

CHAPTER VII - TRAFFICKING AND EXPLOITATION

Vulnerable

Art 209-217

CHAPTER VIII - Offences against freedom and

Sexual integrity

Art 218-223

CHAPTER IX - offenses which affect

Home and privacy

Art 224-227

TITLE II  
CRIMES AGAINST PROPERTY

Art 228-256

CHAPTER I - THEFT

Art 228-232

CHAPTER II - robbery and piracy

Art 233-237

CHAPTER III - CRIMES AGAINST PROPERTY

By disregarding TRUST

Art 238-248

CHAPTER IV - fraud committed through the  
Information and electronic means of payment

Art 249-252

CHAPTER V - DESTRUCTION AND DISORDER

POSSESSION

Art 253-256

TITLE III  
CRIMES AND ON THE BORDER  
STAT

Art 257-265

CHAPTER I - CRIMES AGAINST AUTHORITY

Art 257-261

CHAPTER II - OFFENCES ON BORDER

STAT

Art 262-265

TITLE IV  
Offences against the administration of justice

Art 266-288

TITLE V  
Corruption offenses and service

Art 289-309

CHAPTER I - corruption offenses

Art 289-294

CHAPTER II - CRIMES OF SERVICE

Art 295-309

TITLE VI  
Forgery

Art 310-328

CHAPTER I - counterfeiting currency, stamps or  
Other values

Art 310-316

CHAPTER II - FORGERY INSTRUMENTS

LOGIN or marking

Art 317-319  
CHAPTER III - forgeries of documents

Art 320-328  
TITLE VII  
Offences against public safety

Art 329-366  
CHAPTER I - CRIMES AGAINST SAFETY  
Traffic  
Railways  
Art 329-333  
CHAPTER II - CRIMES AGAINST SAFETY  
Road traffic  
Art 334-341  
CHAPTER III - Failure to observe the arms,  
Ammunition, nuclear materials and  
Explosives

Art 342-347  
CHAPTER IV - CRIMES RELATING TO TREATMENT  
Established for other activities under  
LAW

Art 348-351  
CHAPTER V - CRIMES AGAINST HEALTH  
PUBLIC  
Art 352-359  
CHAPTER VI - Offences against the safety and  
COMPUTER SYSTEMS AND DATA INTEGRITY

Art 360-366

TITLE VIII  
Crimes affecting relations  
THE social life

Art 367-384  
CHAPTER I - CRIMES AGAINST order and  
PUBLIC  
Art 367-375  
CHAPTER II - OFFENCES AGAINST THE FAMILY  
Art 376-380  
CHAPTER III - CRIMES AGAINST FREEDOM  
Religious respect due DEAD  
Art 381-384

TITLE IX  
Electoral crimes

Art 385-393

TITLE X  
Offense against national security

Art 394-412

TITLE XI

*CRIMES AGAINST ARMY combat capability*

*Art 413-437*

*CHAPTER I - CRIMES committed by military*

*Art 413-431*

*CHAPTER II - offenses committed by military*

*Civilians*

*Art 432-437*

*TITLE XII*

*Genocide crimes against humanity and*

*WAR*

*Art 438-445*

*CHAPTER I - CRIMES AGAINST genocide and  
HUMANITY*

*Art 438-439*

*CHAPTER II - WAR CRIMES*

*Art 440-445*

*TITLE XIII*

*FINAL PROVISIONS*

*Art 446*

## **GENERAL PART**

### **Title I - CRIMINAL LAW AND ITS APPLICATION LIMITS**

#### **Chapter I - GENERAL PRINCIPLES**

##### **Article 1 Legality criminalization**

(1) Criminal Law stipulates facts constituting the offense.

(2) No person may be punished criminally for an act which was not provided by criminal law at the time it was committed. **Art 2 legality of criminal sanctions** (1) Criminal Law stipulates penalties applicable and educational measures that may be taken against individuals who have committed crimes and safety measures that may be taken against people who have committed offenses under the criminal law. (2) No penalty may be applied or can not get an education or safety measure as if it was not provided by criminal law at the time when the offense was committed. (3) No penalty may be established and applied outside limits its general.

#### **Chapter II - CRIMINAL ENFORCEMENT**

##### **Section 1 - Application of criminal law while**

##### **Article 3 activity criminal law**

Criminal law applies to offenses committed in time as it is in force. **Art 4 Application decriminalization of criminal law** Criminal law does not apply to acts committed under the old law, if no longer required by the new law. In this case, the execution of sentences, educational measures and safety measures, pronounced the old law, and all consequences of criminal judgments about these facts cease the entry into force of the new law. **Art 5 Application of criminal law more favorable to the final judgment of the case** (1) If the felony until the final judgment of the case have taken one or more criminal law, the law more favorable. (2) The provisions of paragraph. (1) shall apply the provisions of these laws or unconstitutional, and emergency ordinances passed by Parliament with amendments or additions or rejected, if during the time they have been in force included more lenient criminal provisions. **Art 6 Application of criminal law more favorable after final judgment of the case** (1) Where after the sentence becomes final until the full execution of

imprisonment or fine has been a law that provides for a lighter penalty, penalties, especially if it exceeds the maximum The new law provided for the offense committed, reduce this maximum. (2) If after the judgment becomes final at sentencing to life imprisonment and its execution has been a law that provides for the same act only imprisonment, imprisonment is replaced by the maximum life imprisonment provided for that offense. (3) If the new law provides only a fine instead of imprisonment, the sentence imposed is replaced by fine without exceeding the maximum species in the new law. Given by the executive of imprisonment may be removed in whole or in part the execution of the fine. (4) The educational measure in unanticipated new law enforced and no longer run, and those that have a correspondent in the new law runs in content and limits stipulated by this, if more favorable. (5) when the new law is more favorable to par. (1) - (4) additional penalties and security measures enforced and unforeseen new law is no longer running, and correspondent in the new law that runs in content and limits set by it. (6) If the new law is more favorable terms only punishment they complementary or safety measures are performed in the content and limits stipulated by the new law. (7) When a provision of the new law refers to the final punishment imposed, account shall be taken, where punishments executed until the entry into force of the punishment reduced or replaced under the provisions of the preceding paragraphs. **Art 7 Application of criminal law temporary** (1) temporary criminal law is applicable to the offense committed while she was in force, even if the act was not prosecuted or tried in that time frame. (2) Criminal law is criminal law which provides temporary exit date Her current or whose application is limited by the temporary nature of the situation which required adoption.

## Section 2 - Application of criminal law in space

### The territoriality of criminal law Article 8

(1) Romanian criminal law applies to offenses committed on the territory of Romania.

(2) "Romania" means the tracts of land, territorial waters and ground waters, subsoil and airspace boundaries between State.

(3) "crimes committed in Romania" is any offense committed in the territory in para. (2) or a Romanian-flagged ship or an aircraft registered in Romania.

(4) The offense shall be deemed committed in Romania when that territory or a Romanian flag ship or aircraft registered in Romania, to performed an act of execution, instigation or complicity, or has occurred, even in part, the result of the crime. **Art 9 Personality Criminal Law** (1) Romanian criminal law applies to offenses committed outside the country by a Romanian citizen or a Romanian legal person, if the punishment provided by the Romanian law is imprisonment for life or imprisonment exceeding 10 years. (2 ) In other cases, the Romanian penal law applies to offenses committed outside the country by a Romanian citizen or a Romanian legal person, if the offense is stipulated by the criminal law of the country where it was committed or has been committed in a place that is not subject to the jurisdiction of any State. (3) the initiation of criminal action is done with the prior authorization of the general prosecutor at the Court of Appeal in whose territorial jurisdiction is notified first floor or where appropriate, the general prosecutor of the High Court of Cassation and Justice. **Art 10 The reality of criminal law** (1) Romanian criminal law applies to offenses committed outside the country by a foreign citizen or person without citizenship, against the Romanian state, against a Romanian citizen or a legal novels. (2) The actuation criminal action is done with the prior authorization of the General Prosecutor's Office by the High Court of Cassation and Justice, and only if the action is not the subject of proceedings in the State in which it committed. **Art 11 Universality Criminal Law** (1) Romanian criminal law applies to offenses other than those stipulated in art. 10 committed outside the territory of the country by a foreign citizen or stateless person who is voluntarily in Romania, in the following cases: a) committed an offense which the Romanian state has committed to repress under an international treaty, whether foreseen or not by the criminal law of the state in whose territory has been committed, b) requested the extradition or surrender of the offender and this was refused. (2) The provisions of par. (1) b) not apply when, according to state law in the offense, there is a cause which prevents the initiation of criminal action or continuation of criminal proceedings or execution of a sentence or when the sentence was executed or is considered executed. (3) When the punishment was not executed or was executed only in part, proceed according to the law regarding the recognition of foreign judgments. **Art 12 Criminal law and international treaty** provisions in art. 8-11 apply unless otherwise provided by an international treaty to which Romania is a party. **Art 13 Jurisdictional Immunities** Act does not apply to criminal offenses committed by diplomatic representatives of foreign states or to other persons in accordance with international treaties are not subject to the criminal jurisdiction of the Roman state. **Art 14 Extradition** (1) Extradition may be granted or required under an international treaty to which Romania is a party, or on the basis of reciprocity, under the law. (2) surrender or extradition of a person in relation to the Member States of the European Union grant or apply the law. (3) Teaching a person to an international criminal court granted the law.

## Title II - offense

### CHAPTER I - GENERAL PROVISIONS

#### Article 15 The essential feature of the offense

(1) the offense is punished by the criminal act committed with guilt, unjustified and imputable to the person who committed it.

(2) The offense is the only basis for criminal liability. **Art 16 Guilt** (1) The act is an offense only when committed with guilt as required by the criminal law. (2) Guilt exists when the offense is committed with intent, negligence or intent exceeded. (3) The offense is committed with intent when perpetrator: a) states the result of his act, following its production by committing that act, b) states the result of his act, and although it does not follow, accept the possibility

of. (4) The offense is committed when the perpetrator of guilt: a) provides result of his act, but do not accept it, believing without reason that he will not produce, b) does not require the result of his act, although it should and could have foreseen. (5) There is intent behind when the offense consisting of an action or deliberate inaction, produces a more serious fault is due to the perpetrator. (6) The act consisting of an action or inaction is an offense when committed intentionally. Deed the fault of an offense only when expressly provided by law. **Art 17 offense committed by omission** committed offense involving the production of a result is considered performed and by omission when: a) there is a statutory or contractual obligation to act, b) the author of omission, through action or inaction prior, created for value hazard protected social condition which invites result.

## Chapter II - SUPPORTING CAUSES

### General Provisions Article 18

(1) An act by the criminal law if there is any evidence of the causes provided by law. (2) the reasons supporting extends to participants. **Art 19 self-defense** (1) is justified by the criminal law act committed in self-defense. (2) the person who commits the act of self-defense to an attack removes material, direct, immediate and unjust, threatening person, the another, their rights or interest, if the defense is proportional to the severity of the attack. (3) is presumed to be in self-defense, under par. (2) one who commits the act to reject a person entering a home , room, outbuilding or fence instead of taking it, without right, violence, wickedness, burglary or other unlawful methods such times during the night. **Art 20 state of emergency** (1) is warranted deed stipulated by the criminal law in the state of necessity. (2) state of emergency in the person committing the act to save from immediate danger and can not be removed otherwise life bodily integrity or health of oneself or another person or a good or important or of another person or interest, if the consequences are obviously more serious crime than those that would have occurred if the danger was removed. **Art 21 The exercise of any right or performance of an obligation** (1) is justified by the criminal law act consisting in the exercise of a legal right or the fulfillment of an obligation imposed by law, subject to the conditions and limitations set out therein. (2) also warranted deed stipulated by the criminal law consisting in fulfilling an obligation imposed by the competent authority in the form prescribed by law, unless it is manifestly illegal. **Art 22 Consent injured person** (1) is justified by the criminal law act committed with the consent of the injured person if it could legally dispose of social value or endangered injured. (2) The consent of the person injured is not in effect for crimes against life, and when the law excludes evidence of its effect.

## Chapter III - CAUSES OF NEIMPUTABILITATE

### General Provisions Article 23

(1) An act by the criminal law, has been committed in any of the cases neimputabilitate conditions. (2) the causes of neimputabilitate not extend to participants, unless fortuitous. **Art 24 The restraint** is not responsible deed stipulated by the criminal law because of physical constraints offender could not resist. **Art 25 Moral restraint** is not responsible deed stipulated by the criminal law because of moral constraints exerted by a serious threat to individual perpetrator or the other and could not be removed otherwise. **Art 26 Excess imputable**(1) There is attributable deed stipulated by the criminal law of persons in self-defense, which exceeded because of disorder or fear, limits commensurate with the seriousness of the attack defenses. (2) is not attributable to the acts described criminal law, committed by person in a state of necessity, and not realized at the time of the offense, that grieve track obviously more serious than those that would have occurred if the danger was removed. **Art 27 minority perpetrator** is not responsible deed stipulated by the criminal law, committed by a minor at the time of the commission does not meet the legal requirements of criminal responsibility. **Art 28 Irresponsibility** is not responsible deed stipulated by the criminal law, committed by a person who, at the time of its commission, he could not realize the actions or inactions, or could not control them, either because of mental illness or of other causes. **Art 29 Poisoning** is not responsible deed stipulated by the criminal law, committed by a person who, at the time of its commission, he could not realize the actions or inactions, or could not control them because of involuntary intoxication with alcohol or other substances psychoactive. **Art 30 error** (1) An act by the criminal law, committed by a person who, at the time of its commission, did not know the existence of states, situations or circumstances on which the criminal nature of the act. (2) The provisions of par. (1) applies to acts intentionally committed that criminal law punishes them only if knowing the condition, situation or circumstance that is not itself the result of negligence. (3) There is circumstantial element aggravating or aggravating the condition, situation or circumstance that offender he met when the offense. (4) The provisions of paragraph. (1) - (3) shall apply accordingly in the case of a statutory provision ignorance Before other. (5) Not attributable deed stipulated by the criminal law as a result ignorance or wrong knowledge of the unlawful nature thereof due to circumstances that could not be avoided in any way. **Art 31. Fortuitous** is not responsible deed stipulated by the criminal law whose result is the consequence of circumstances which could not be foreseen.

## Chapter IV - ATTEMPT

### Article 32 Attempt

(1) Attempt consists of the execution of the intention to commit the offense, but enforcement was interrupted or not its effect.

(2) There is an attempt when the offender is unable Consumer consequence of how as conceived execution. **Art Attempting 33** (1) The attempt is punishable only when the law expressly provides that. (2) The attempt shall be punishable with the punishment provided by law for the consummated crime whose limits are reduced by half. When consumed offense the law provides for life imprisonment and the court would switch to it, attempt shall be punished by imprisonment from 10 to 20 years. **Art 34 Discontinuance and prevention of the result** (1) There shall be punished author, prior to the discovery that it was time to warn authorities withdrew its commission so that consumption can be hindered or prevented himself committing the offense. (2) If the acts fulfilled until discontinuance or disrupting of the result is another offense, apply the penalty for this offense.

## Chapter V - UNIT AND MULTIPLE CRIMES

### Article 35 continued crime unit and the complex

(1) The offense is continued when a person commits the different time intervals, but in achieving the same resolution and against the same passive subject, actions or inactions that shows, each of the contents same offense .

(2) The offense is complex when the contents come as a constituent element or circumstantial aggravating an act or omission in itself constitute an offense under the criminal law. **Art 36 The penalty for the offense continued and complex offense** (1) offenses continued to be sanctioned punishment provided for the offense committed, the maximum of which may be increased by not more than 3 years for imprisonment, respectively with more than a third if the fine . (2) complex offense punishable with the punishment provided by law for that offense. (3) complex offense committed intentionally exceeded, if there was only the result of the action more serious side, shall be punished with the punishment provided by law for the offense Complex consumed. **Art 37 Recalculation of punishment for the offense continued or complex** if the convicted of an offense continued or complex is subsequently judged for other actions or inactions entering the content the same offense, taking into account the offense as a whole, it sets the appropriate punishment that can not be pronounced easier than before. **Art Contest 38 crimes** (1) There is real competition offenses when two or more offenses were committed by the same person, by action or inaction distinct before being sentenced for any of them. There is real competition when one of the offenses was committed for committing crimes or conceal another crime. (2) There is a contest of offense when committed action or inaction by a person due to circumstances that occurred or consequences it has produced, makes the content more crimes. **Art 39 main penalty in case of offenses** (1) In case of offenses, the penalty for each offense is determined in part and apply the penalty, as follows: a) when to set a penalty or life imprisonment and a several times with a fine prison sentences, life imprisonment applies; b) when they established only custodial prison sentence applies hardest plus an increase of one third of all other penalties established; c) when they established only punishment by fine, penalty applies hardest, plus an increase of one third of all other penalties established, d) her years of imprisonment and a fine penalty is apply imprisonment, plus the fine entirely, e) when they established several prison sentences and more punishment by fine imprisonment under subparagraph apply.b) plus the fine entirely under subparagraph. c. (2) When you have established several prison sentences if the sentence by adding the highest growth of one third of all the other prison terms would exceed established 10 years or more general maximum of imprisonment, and for at least one concurrent offenses the penalty provided by law is imprisonment for 20 years or more may apply life imprisonment. **Art 40 Merging concurrent sentences for crimes**(1) If the offender is convicted of an offense after trial competition, the provisions of Art. 39. (2) The provisions of art. 39 applies where, after a conviction becomes final, it is found that the sentenced convicted of an offense competition. (3) If the offender has served the sentence imposed by full or partial previous decision, what made be deducted from the sentence imposed for the concurrent offenses. (4) The provisions relating to punishment in case of offenses applies where imprisonment sentence was commuted to life imprisonment or replaced. (5) In case of merger penalties under par. (1) - (4) are taken into account and the punishment inflicted by the sentence abroad for a competition offense if the conviction has been recognized by law. **Art . 41 Relapse** (1) There relapse when, after the decision becomes final sentence of imprisonment exceeding one year and until the expiration of the period of rehabilitation or rehabilitation, the convict commits a new crime with intent or intentionally exceeded, which law provides for imprisonment of one year or more. (2) There relapse and where one of the punishments stipulated in para. (1) is life imprisonment. (3) to determine the state of relapse are taken into account and decisions convictions in abroad for an offense under the criminal law and Romanian, if the conviction has been recognized by law. **Art 42 convictions not attract relapse status** In determining relapse status not take account of conviction regarding: a) facts which are not under the criminal law, b) crimes amnesty, c) strict liability offenses. **Art 43 penalty in case of relapse** (1) If before the previous sentence has been served or deemed to be executed commits a new crime in the state of relapse, punishment for the previous sentence is added to the rest remained unexecuted or executed from it. (2) Where before the previous sentence has been served or deemed to be executed concurrent committed several crimes, of which at least one is in a state of relapse, merge penalties established under the provisions relating to competition crime and punishment resulting adds to previous unexecuted punishment or the rest of it remained unfulfilled. (3) If by adding penalties to par. (1) and (2) would exceed by more than 10 years maximum imprisonment general and for offenses committed at least one penalty provided by law is imprisonment for 20 years or more, instead of prison sentences can apply life imprisonment. (4) When the previous sentence or punishment for crimes committed in a state of relapse is imprisonment life, will run life imprisonment. (5) If after the previous sentence has been served or considered as performed, it commits a new crime in the state of relapse, special limits of the punishment prescribed by law for the new offense is increased by half. (6) If after the judgment becomes final for the new felony conviction and before

sentence has been served or deemed to have executed, the condemned is found to be in a state of relapse, the court shall apply the provisions of para. (1) - (5). (7) The provisions of paragraphs. 6 shall apply where the life imprisonment sentence was commuted to imprisonment or replaced. **Art 44 plurality of intermediate** (1) There are intermediate plurality of offenses when, after a judgment becomes final sentencing until after the sentence is served or deemed as executed, the convict commits a new crime, not the conditions set by law for state of relapse. (2) In case of multiple intermediate punishment sentence for the new offense prior to merge under the provisions of offenses. **Art 45 Penalties complementary accessories and safety measures in case of multiple offenses** (1) If for any offense committed was established and a complementary punishment, this applies with the main punishment. (2) Where were established several penalties Complementary different nature, or even of the same nature but different content they apply with the main punishment. (3) If there were established several additional punishment of the same nature and the same content: a) in case of competition intermediate plurality of crimes or apply hardest of them, b) in the case of relapse, the unexecuted part of the sentence is added to complement the previous punishment for the new offense. (4) Where successive prosecutions for offenses competing in the penalty Additional penalties enforced until merging main complementary penalty be deducted from the sentence imposed in addition to results. (5) If in addition to principal were established one or more accessory penalties shall apply para. (1) - (3) executing the resulting additional punishment to the performance or execution of sentence as the main consideration. (6) Precautions different nature, or even of the same nature but different content taken for crimes committed, is accumulated. (7) If you have taken several safety measures of the same nature and the same content but different durations, the safety measures with the longest duration. Safety measures according to art. 112 cumulative.

## Chapter VI - authors and participants

### 46 The author and co-authors

(1) The author is the person who directly commits an offense under the criminal law.

(2) Co-authors are people who directly commit the same crime by the criminal law. **Art 47 instigator** instigator is a person who intentionally cause another person to commit an offense under the criminal law. **Art 48 accomplice** (1) Accomplice is a person who intentionally facilitates or help in any way in committing an offense under the criminal law. (2) also complicate the person who promises, before or during the commission of the offense, he will conceal goods from this or that will favor the perpetrator, even after the act promise is not fulfilled. **Art 49 penalty if the participants** co-author, instigator and accomplice in an offense committed intentionally is punished with the punishment provided for the author. In determining the sentence shall take into account the contribution of each to the criminal offense and the provisions of art. 74. **Art 50 real and personal circumstances** (1) the circumstances relating to the individual author or a participant reflects on others. (2) The factual circumstances reflects on the author and participants only to the extent that they have met them or have provided. **Art 51 Preventing the commission of the offense** (1) The participant shall not be punished if, before the discovery of the crime, felony denounce so consuming it can be prevented, or if eating itself prevents crime. (2) If the acts performed until termination or disrupting constitute another offense, the participant applies the penalty for this offense. **Art 52 improper participation** (1) Committing the direct, intentional, by a person of an offense under criminal law which, without the fault or guilt, executing acts contribute another person, shall be punished with the punishment provided by law for deed intent. (2) identifying, facilitating or helping in any way intentionally in committing the fault of another person, an act under criminal law, shall be punished with the punishment provided by law for the offense committed with intent . (3) Causing, Aiding or assisting in any way, with intent to commit an offense under the criminal law, by a person who commits the act without guilt, shall be punished with the punishment provided by law for that offense. (4) The provisions of Articles 50 and 51 shall apply accordingly.

## Title III - PENALTIES

### Chapter I - CATEGORIES OF SENTENCES

#### Article 53 to principal

to principal are:

a) life imprisonment,

b) imprisonment,

c) fine. **Art 54 secondary penalty** penalty shall consist of prohibiting the exercise of rights, as the sentence becomes final until the execution or executed consideration that the deprivation of liberty. **Art 55 Penalties**

**complementary** complementary penalties are: a) prohibited from exercising certain rights, b) military degradation, c) publication of conviction.

#### Chapter II - to principal

## Section 1 - life imprisonment

### Article 56 Conditions life imprisonment

Life imprisonment consists in the deprivation of liberty for an indefinite period and executed according to the law on execution of punishments. **Art 57 Non-application of life imprisonment** if the date of judgment of conviction defendant reached the age of 65 years imprisonment instead of life imprisonment is applied over 30 years and penalty of interdiction exercise full rights over her. **Art 58 Replacement of life imprisonment** If the sentenced to life imprisonment has reached the age of 65 during the execution of the punishment, life imprisonment may be substituted by imprisonment for 30 years and penalty of interdiction exercise of rights the maximum duration, if he had good behavior throughout the execution of punishment entirely fulfilled civil obligations established by conviction, unless they prove that there was no possibility to meet, and made steady progress and evident in the social reintegration. **Art 59 Calculation penalty when switching or replacing sentenced to life imprisonment** If switching or replacing punishment with imprisonment life imprisonment, the period of detention shall be deemed executed as part made of imprisonment.

## Section 2 - Prison

### Article 60 prison regime

prison consists of fixed-term imprisonment of between 15 days and 30 years, and executed according to the law on execution of punishments.

## Section 3 amended

### Article 61 The establishment of the fine

(1) fine consists of the sum of money that the convict is obliged to pay the state.  
(2) The amount of the fine is determined through the day - fine. Appropriate amount of days - fine between 10 lei and 500 lei, multiplied by the number of days, the fine is between 30 days and 400 days.  
(3) The court shall determine the number of days-fine according to the general criteria for deciding on the sentence. The amount corresponding to the day - the fine is established taking into account the legal obligations towards people convicted dependents.  
(4) The limits special day - the fine is between:  
a) 60 and 180 days-fine, when the law provides the only offense the fine,  
b) 120 and 240 days-fine, when a sentencing alternative to imprisonment fine not exceeding two years,  
c) 180 and 300 days-fine, when a sentencing alternative fine imprisonment exceeding two years.  
(5) If the offense was intended to obtain a patrimony and the penalty prescribed by law is just fine or court chooses to apply this punishment, special limits of the day-fine may be increased by one third.  
(6) fractions set by law for reasons of mitigation or aggravation of penalty apply special days-fine limits in para. (4) and (5). **Art 62 fine that accompanies imprisonment** (1) If the offense was intended to obtain a patrimony besides imprisonment can be applied and the fine. (2) special days-fine limits stipulated in art. 61 para. (4). b) and c) determine the ratio of the duration of imprisonment set by the court and can not be reduced or increased as a result of causes mitigation or aggravation of punishment. (3) In determining the amount of the corresponding amount of day-fines shall be taken into account patrimony value obtained or pursued. **Art 63 Replacement of fine with imprisonment** (1) If the person convicted, in bad faith, not to enforce the fine in whole or in part, the number of days - fine executed replaced with an appropriate number of days of imprisonment. (2) If the fine unexecuted accompanied imprisonment, the number of days - fine executed replaced with an appropriate number of days jail plus prison sentence, the sentence thus obtained is considered a single sentence. (3) If replacing the fine with imprisonment par. (1) and (2) a day - fine corresponds to a day of jail. **Art 64 Penalty fine work by providing a community service** (1) If the fine can not be executed in whole or in part for reasons not attributable to the person convicted, with consent, the court replaces the obligation to pay the fine enforced by the obligation to provide a community service work, except where due to health, a person can not perform this work. A day - fine corresponds to a day of community service. (2) If the fine replaced under par. (1), accompanied imprisonment, community service obligation is executed after imprisonment. (3) Coordination of enforcement community service obligation is the probation service. (4) The performance of community service willing to par. (1) terminated by paying the corresponding fine-fine days remaining unexecuted. (5) court days-fine replaces executed by community service with an appropriate number of days with jail if: a) the convicted person does not perform community service obligation as provided by the court, b) the convicted person commits a new crime discovered before execution of obligations of work community service. Days-fine community work executed by the time of the new offense, replaced by imprisonment, add the sentence for the new offense. (6) If the convicted person in the situation provided in par. (1) does not consent to provision of community service work, replace the unexecuted fine imprisonment under art. 63.

## Chapter III - ADDITIONAL additional punishment and penalties

### Section 1 - penalty shall

#### **Article 65 The content and manner of execution of the penalty of disqualification from the exercise of rights**

(1) The penalty shall consist of prohibition to exercise the rights set forth in art. 66 para. (1) a), b), d) - n) whose practice was banned by the court as a complementary punishment.

(2) If sentenced to life imprisonment, the accessory penalty of law is the prohibition of the exercise following rights:

- a) the right to be elected to public authorities or any other public office,
- b) the right to occupy a position involving the exercise of state authority,
- c) the foreign law is in Romania,
- d) right to choose;
- 's) parental rights;
- f) the right to be guardian or custodian.

(3) The penalty of disqualification from exercising certain rights run from the time the judgment becomes final conviction and sentence until the main deprivation of liberty has been executed or considered executed.

(4) If life imprisonment, additional punishment provided in par. (2) c) shall enforce parole on or after the sentence was considered executed.

### Section 2 - Additional Penalties

#### **Article 66 Content complementary penalty of prohibition exercise of rights**

(1) Additional penalty of prohibition is to prohibit the exercise of rights exercise for a period of one to five years, one or more of the following rights:

- a) the right to be elected to public authorities or any other public office,
- b) the right to occupy a position involving the exercise of state authority,
- c) is a foreign law in Romania;
- d) the right to vote;
- 's) parental rights ,
- f) the right to be guardian or custodian;
- g) the right to hold office, or to practice a profession or engage in activity that was used to commit the offense,
- h) the right to own, carry and use any category weapons;
- i) the right to operate certain types of vehicles determined by the court,
- j) the right to leave the territory of Romania,
- k) the right to occupy a leading position within the legal person of public law,
- l) the right to are in some settled by the court,
- m) is right in certain places or at certain sporting events, cultural or other public gatherings, set by the court,
- n) the right to communicate with the victim or family members its the people who committed the crime or other persons specified by the court, or to move closer to them,
- a) the right to be closer to home, work, school or other places where victim pursuing social the conditions set by the court.

(2) When the law prohibits the exercise of the right to hold public office, the court prohibit the exercise of the rights provided in par. (1) a) and b).

(3) deprivation of rights provided in par. (1) a) and b) cumulative ordering.

(4) The penalty in para. (1) c) not be available when there are reasonable grounds to believe that a person's life is expelled endangered or that person will be subjected to torture or other inhuman or degrading treatment in State to be expelled.

(5) When the ban has any right provided in par. (1). n) and o), the court specifically individualize the content of this punishment, the circumstances of the case. **Art 67 Application of complementary penalty of prohibition exercise of rights**

(1) Additional penalty banning exercise of rights can be applied if the main punishment is imprisonment or a fine set and the court finds that, for the nature and seriousness of the offense, the circumstances of the case and the person of the offender, the penalty is required. (2) Application ban penalty is mandatory exercise of rights that the law provides punishment for crimes committed. (3) Prohibition of foreign law is not applicable in Romania where his suspended sentence under supervision .

**Art 68 Penalty banning complementary exercise of rights** (1) The penalty prohibiting the exercise of rights begins: a) a final decision of the fine sentence, b) a final conviction decision ordering the suspension of sentence under supervision, c) after imprisonment after total pardon or the rest of the sentence, after the statute of limitation the execution of the sentence or after the expiration of parole supervision. (2) When ordering the conditional release to ban foreign law in Romania is run on release. (3) If it decides to revoke suspended sentence supervision or replacing the fine with imprisonment, for reasons other than committing a new crime, a complementary part of the penalty prohibition of the exercise of rights or replacing inoperative on revocation is executed after imprisonment. **Art 69**

**Degradation military** (1) military degradation complementary punishment is the loss of rank and the right to wear the uniform of the date when the conviction.(2) The degradation is applied as mandatory military convicts active military, reserve or retired if the main punishment inflicted is imprisonment exceeding 10 years or life imprisonment. (3) The military may be inflicted on prisoners Degradation active military, reserve or retired for intentional offenses, if the main punishment inflicted is imprisonment at least 5 years and maximum 10 years. **Art 70 Publication of the final**

**sentence** (1) Publication of the final sentence may be ordered when taking into account the nature and gravity of the offense, the circumstances of the case and the person convicted, the court considers that the publication will also help to prevent committing other crimes. (2) Decisions conviction shall be published in excerpt, in the form prescribed by the court, in a local or national newspaper, once. (three) Publication of the final sentence at the expense of the convicted person, without disclosing the identity of others.

## **Chapter IV - CALCULATION OF LONG SENTENCES**

### **The implementation of Article 71**

(1) The duration of punishment of imprisonment shall run from the day the convict began enforcement of the final conviction.

(2) The day begins execution of the sentence and the day ends are counted in execution time.

(3) The period in which the convict, during the execution of the sentence is ill in hospital come in during the execution, except if he deliberately caused the disease, and this circumstance is found during the execution of the sentence.

(4) Permissions out of prison, convicted granted under the law enforcement, enter the duration of punishment. **Art72**

**Deduction term preventive measures involving deprivation of liberty** (1) The period during which the person was subject to a custodial preventive measures be deducted from the pronounced imprisonment. The decrease is when the convict has been watched or judged at the same time or separately, for several concurrent offenses, even though he was convicted of an offense other than that determined the layout preventive measure. (2) The in a person was subjected to a custodial preventive measures shall be deducted in case of conviction to the fine, by the removal of all or part of the day - fine. (3) If the fine that accompanies imprisonment during which a person was subjected to a custodial preventive measures be deducted from the imprisonment. **Art 73 Deduction of punishment and preventive measures executed abroad** (1) If the crimes under Art. 8, 9, 10 and 11, part of the punishment, and length of custodial preventive measures executed outside the country be deducted from the sentence imposed for the same offense in Romania. (2) The provisions of par. (1) shall apply properly and if the penalty is a fine executed abroad.

## **Chapter V - individualisation of penalties**

### **Section 1 - General Provisions**

#### **General criteria for Article 74 punishment**

(1) Establish the duration or the amount of the penalty is made in relation to the seriousness of the crime committed and the offender's dangerousness that evaluates the following criteria:

- a) the circumstances and manner of commission of the offense and means used,
- b) the state created danger for protected value,
- c) the nature and severity of the outcome of product or other consequences of the offense,
- d) the reason and purpose of committing a crime,
- e) the nature and frequency of offenses that constitute criminal history of the offender;
- f) conduct after committing the crime and during the criminal trial;
- g) the level of education, age, health, family and social situation.

(2) When the offense the law provides for alternative penalties are taken into account the criteria set out in para. (1) and choosing one of them.

### **Section 2 - mitigating circumstances and aggravating circumstances**

#### **Extenuating circumstances Article 75**

(1) The following circumstances constitute statutory mitigating circumstances:

- a) a felony under his strong and emotional disorders, caused by a challenge from the injured person, caused by violence, by touch or by serious dignity another serious illegal actions,
- b) exceeding the limits of self defense,
- c) exceeding the limit state of emergency.

(2) The court may constitute mitigating circumstances:

- a) efforts to remove or mitigate the consequences of criminal offense,
- b) the circumstances relating to the offense Commission, which diminishes the seriousness of the offense or offender dangerousness. **Art 76 Effects of extenuating circumstances** (1) If there extenuating circumstances, special limits of the punishment prescribed by law for the offense shall be reduced by one third. (2) If the penalty prescribed by law is life imprisonment, if the detention is extenuating circumstances apply imprisonment from 10 to 20 years. (3) Reduction of

sentence boundaries is special only once, regardless of the number of mitigating circumstances retained. **Art 77 aggravating** circumstances are aggravated following: a) the offense committed three or more people together, b) committing the crime by subjecting the victim to cruelty or degrading treatment, c) felony means or methods likely to endanger others or goods, d) committing a criminal offense by major if it was committed with a minor, e) state felony obvious advantage of vulnerability of the person injured, age, health, disability or other causes; f ) committed the offense in a state of voluntary intoxication with alcohol or other psychoactive substances when he was provoked to commit the crime; g) felony by a person who profited from the occasion of a disaster, the state of siege or state of emergency. h) an offense for reasons of race, nationality, ethnicity, language, religion, gender, sexual orientation, political opinion or affiliation, wealth, social origin, age, disability, or chronic non HIV / AIDS, or other circumstances the same way, the perpetrator considered as causes of inferiority in relation to the other person. **Art 78 Effects of aggravating circumstances** (1) where there are aggravating circumstances may apply to special maximum punishment. If special maximum is inadequate, if prison can add a bonus to two years, which may not exceed one third of the maximum, and if the fine can apply an increase of more than one third of the maximum special. (2) Special limits increase penalty is only once, regardless of the number of aggravating circumstances retained. **Art 79 Competition between causes of mitigation or aggravation** (1) When the offenses are incidents where the same two or more provisions that have the effect of reducing the sentence, special limits of the punishment prescribed by law for the offense shall be reduced by successive application of the provisions relating to attempt, extenuating circumstances and special cases of reduction of sentence, in that order. (2) If there are two or more incidents provisions that have the effect of increasing criminal liability, the penalty shall be determined by successive application of the provisions relating to aggravated offense continued contest or relapse. (3) When the same offenses are incidents where one or more causes of reduction of sentence and one or more causes to increase the penalty, special limits of the punishment prescribed by law for the offense shall be reduced in accordance with para. (1), then the limits are increased resulting penalty under para. (2).

### Section 3 - Waiver of penalty

#### Article 80 Conditions quitting penalty

(1) The court may decide to waive the penalty if the following conditions are met:  
a) a serious offense shows low considering the nature and extent of the consequences produced, the means used, the manner and circumstances in which has been committed, the reason and purpose,  
b) in relation to the person of the offender, the offense had previously conduct of their efforts to remove or mitigate the consequences of crime, as well as its possibilities for redress, the court considers that the imposition of a sentence It would be inappropriate because of the consequences it would have on his person.  
(2) One can not quitting penalty if:  
a) the offender has previously had a conviction except as provided in art. 42 a) and b) or for which the time limit expired without rehabilitation or rehabilitation,  
b) from the same offender was willing to waive the penalty in the last two years preceding the date of the offense for which it is judged,  
c) the offender escaping from criminal prosecution or judgment or thwarting attempted to identify and establish the truth or criminal responsibility of the author or the participant  
d) the penalty prescribed by law for the offense is imprisonment exceeding three years.  
(3) case competition offenses, quitting penalty may be ordered for each offense if competition conditions provided in para. (1) and (2). **Art 81 warning** (1) Where has quitting penalty, the court applies the offender a warning. (2) The warning is to present the reasons which led to cessation offender punishment and warnings on its future conduct and the consequences if they expose will commit crimes. (3) In case of offenses apply a single warning. **Art 82 The effects of stopping penalty** (1) A person from ordering quitting penalty is not subject to any limitation, prohibition or incapacity that could result in offense. (2) Waiver of penalty has no effect on the performance measures safety and civil obligations stipulated in the decision.

### Section 4 - conditional sentence

#### Article 83 deferral Conditions penalty

(1) The court may order conditional sentence, establishing a supervisory term if the following conditions are met:  
a) punishment, including in the case of offenses is a fine or imprisonment not exceeding two years ,  
b) the offender has been previously convicted to imprisonment, except as provided in article 42 lit. a) and b) or for which the time limit expired without rehabilitation or rehabilitation;  
c) the offender has expressed agreement to provide a community service work,  
d) in relation to the person of the offender, the offense conduct had previously for their efforts to remove or mitigate the consequences of crime, as well as its possibilities for redress, the court considers that the immediate application of a penalty is not necessary, but it must be his conduct surveillance for a period of time.  
(2) can not has conditional sentence if the punishment provided for the offense committed is 7 years or more or if the offender has evaded prosecution or judgment or thwarting attempted to identify and establish the truth or criminal responsibility of the author or the participants.

(3) The conditional sentence and delaying enforcement prison draws fine that accompanies imprisonment under art.62.

(4) It is mandatory to submit the reasons relied on conviction, as well as those that led the offender conditional sentence and warnings on its future conduct and the consequences if they expose will commit crimes or fail to comply with measures surveillance, or will not perform its obligations during the term of supervision. **Art 84 The term surveillance** (1) The term supervision is 2 years and are calculated from the date when the decision ordering the conditional sentence. (2) During the period of supervision, the person from ordering the conditional sentence surveillance measures must respect and execute its obligations under the conditions established by the court. **Art85 surveillance measures and obligations** (1) During the period of supervision, the person from ordering the conditional sentence should observe the following measures of surveillance: a) to report to the probation service, the data attached to it, b) receive visits designated probation officer supervision, c) to announce, in advance, moving house and any movement that exceeds five days, and return, d) to communicate changing jobs, e) to communicate information and documents nature to allow control of his livelihood. (2) The court may require the person from ordering the conditional sentence, to perform one or more of the following obligations: a) to attend a training course or professional training school, b) to perform a community service work for a period between 30 and 60 days, as provided by the court, unless that health because the person can not perform this work. Daily number of hours shall be established by law for enforcement, c) to attend one or more social reintegration programs run by the probation service or organized in collaboration with the community, d) accept control measures, treatment or care, e) not to communicate with the victim or members of his family, the people who committed the crime or other persons specified by the court, or to stay away from them; f) not be in certain places or at certain sporting events, cultural or other public gatherings, set by the court; g) not to drive certain vehicles established by the court, h) not to hold, do not use and do not carry any type of weapon; i) not to leave Romania without the court; j) not to deal or not to perform the task, occupation, profession or activity that has been used for committing the offense. (3) In determining the content of the obligations stipulated in para. (2). a) - c), the court shall consult the probation service, which is required to make recommendations in this regard. (4) In determining the obligation provided in par. (2). e), the court individualized, in particular, the content of this obligation, the circumstances of the case. (5) The person must comply fully supervised civil obligations established by the decision at the latest three months before the expiry of supervision. **Art 86 Supervision** (1) During the period of surveillance data provided in art. 85 para. (1) c), d) and e) shall communicate the probation service. (2) supervising the execution of the obligations stipulated in art. 85 para. (2) a) - c) and para. (5) is made of the probation service. Checking the fulfillment of the obligations stipulated in art. 85 para. (2) d) - j) is made by the competent authorities, which shall notify the probation service of any violation thereof. (3) Probation Service will take the necessary measures to ensure compliance with its obligations under art. 85 para. (2). a) - d) in as short a period from the date the judgment becomes final conviction. (4) During the period of supervision probation service has the obligation to inform the court if: a) be grounds for intervening change obligations imposed by the court or Cessation of some of them, b) supervised person does not comply with or perform surveillance, under defined conditions, its obligations, c) the person has not met supervised civil obligations established by the decision at the latest three months before the expiry of supervision. **Art 87 Amendment or termination obligations** (1) If during the term of supervision intervened be grounds for imposing new obligations or increase or decrease the performance of existing conditions, the court has properly modifying the obligation to ensure that the supervised person likely enhanced smoothing.(2) The court order the termination of the execution of the obligations imposed on them when they consider that their maintenance is no longer required. **Art 88 Revocation of postponement penalty** (1) If during the term of supervised individual supervision, in bad faith, does not comply with or perform supervisory duties imposed, the court shall revoke the delay and has the implementation and execution. (2) In case when, surveillance by the deadline, the person does not comply fully supervised civil obligations established by the decision, the court revoked delay and has the implementation and execution of the sentence, unless the person proves that they had no opportunity to meet. (3) If after conditional sentence supervised person has committed a new crime, with intent or intent exceeded, discovered surveillance period for which a conviction even after the expiry of that period, the court shall revoke the delay and has the implementation and execution. Sentence imposed following revocation delay and the penalty for the new offense is calculated according to the provisions relating to competition offenses.(4) If the subsequent offense is committed by negligence, the court may maintain or revoke the conditional sentence. Upon revocation, the provisions of para. (3) shall apply accordingly. **Art 89 Cancellation penalty procrastination** (1) If during the term of supervision supervised person is found to have committed an offense until a final decision ordering the postponement, for which he was imprisonment even after the expiry of that period, the delay is cancel, applying, where appropriate, the provisions on competition offenses, recidivism or intermediate plurality. (2) In the case of offenses, the court may order the resulting conditional sentence if the conditions stipulated by art. 83. If it has conditional sentence, the term surveillance is calculated from the date the judgment becomes final that previously pronounced conditional sentence. **Art 90 The effects of procrastination penalty** (1) A person from ordering conditional sentence is no longer applicable penalty and is not subject to any limitation, prohibition or impairment that could result from crimes committed, if not committed a new offense surveillance by the deadline, it was decided to dismiss the delay and did not reveal a cause for cancellation. (2) The conditional sentence has no effect on the execution of safety measures and civil obligations stipulated in the decision.

## **To Section 5 - Suspension of sentence under supervision**

### **Article 91 Conditions suspended sentence under supervision**

(1) The court may suspend the sentence under supervision if the following conditions are met:

- a) the penalty imposed, including in the case of offenses is imprisonment not exceeding 3 years,
- b) the offender has not previously been convicted to imprisonment exceeding one year, except as provided in art.42, or for which the time limit expired without rehabilitation or rehabilitation;
- c) the offender has expressed agreement to provide a community service work,
- d) in relation to the person of the offender, the offense conduct had previously, efforts submitted it to remove or mitigate

the consequences of crime, as well as its possibilities for redress, the court considers that the punishment is sufficient and even without execution, the convict will not commit any crimes, but it is necessary to monitor its behavior for a specified period .

(2) Where imprisonment is accompanied by the fine imposed in terms of art. 62, the fine is executed even if the execution was suspended prison sentence under supervision.

(3) can not suspend the sentence under supervision if:

a) the penalty imposed is just fine,

b) was initially delayed penalty, but then delaying was revoked,

c) the offender has evaded prosecution or judgment or thwarting attempted to identify and establish the truth or criminal responsibility of the author or the participants.

(4) It is mandatory to submit the reasons relied on sentencing, and which led to the suspension of sentence and sentenced warning over his future conduct and the consequences if they expose will commit crimes or fail to comply with measures or will not perform its obligations during the term of supervision. **Art 92 The term surveillance** (1) The term suspended sentence supervision term surveillance is convicted and is between 2 and 4 years without being however less than the sentence imposed. (2) The supervision is calculated from time decision that ruled suspension of sentence under supervision became final. (3) during the period of supervision convict must comply with supervisory measures and carry out its obligations under the conditions established by the court. **Art 93 surveillance measures and obligations** (1)

During the period of supervision, the convict must meet the following supervision measures: a) to report to the probation service, the data attached to it, b) receive designated probation officer visits supervision, c) to announce, in advance, moving house and any movement that exceeds 5 days d) to communicate changing jobs, e) to communicate information and documents in order to enable control of his livelihood. (2) The court sentenced require to execute one or more of the following obligations: a) to attend a training course or professional training school, b) to attend one or more social reintegration programs run by the probation service or organized in collaboration with community institutions, c) accept control measures, treatment or care, d) not to leave Romania without court approval. (3) During the period of supervision, the convict will perform work on a community service period between 60 and 120 days, as provided by the court, unless that health because the person can not perform this work. Daily number of hours is determined by law enforcement. (4) In determining the content of the obligations stipulated in para. (2) a) and b) and para. (3), the court shall consult the probation service, which is required to make recommendations in this regard. (5) The convict must fulfill civil obligations established by full conviction, not later than three months before the expiry of supervision. **Art 94 Supervision convicted** (1) During the period of surveillance data provided in art. 93 para. (1). c), d) and e) shall communicate the probation service. (2) supervising the execution of the obligations stipulated in art. 93 para. (2). a) and b), para. (3) and (5) shall be made by the probation service. Checking the fulfillment of the obligations stipulated in art. 93 para. (2). c) and d) shall be made by the competent authorities, which shall notify the probation service of any violation thereof. (3) Probation Service shall take steps to ensure that the obligations stipulated in art. 93 para. (2). a) - b) and para. (3) in as short a period from the date the judgment becomes final conviction. (4) During the period of supervision probation service has the obligation to inform the court if: a) have occurred be grounds for modifying the obligations imposed by the court or Cessation of some of them, b) supervised person does not comply with or perform surveillance, under defined conditions, its obligations, c) the person has not met supervised civil obligations established by decision, no later than three months before the expiry of supervision. **Art 95 Amendment or termination obligations** (1) If during the period of surveillance grounds for intervening or imposing new obligations or increase or decrease the performance of existing conditions, the court has properly modifying the obligation to provide opportunities convict more straightening. (2) The court order the termination of the execution of the obligations they imposed, it considers that it is no longer necessary maintenance. **Art 96 Revocation of suspended sentence under supervision** (1) If during the term of supervised individual supervision, in bad faith, does not comply with or perform supervisory duties imposed or established by law, the court shall revoke the suspension and order execution. (2) If until expiry of supervision, the person does not comply fully supervised civil obligations established by the decision, the court revoked the suspension and enforce the sentence, unless the person proves that there was no opportunity to meet. (3) If the penalty fine that accompanied imprisonment under art. 62 was not executed and was replaced by imprisonment pursuant to Art. 63 para. (2) or art. 64 para. (5) and (6), the court revoked the suspension and enforce the sentence, imprisonment plus a fine that replaced. (4) If during the period of surveillance the convict has committed a new crime, discovered by the expiration of the period for which a conviction to imprisonment, even after the expiry of that period, the court shall revoke the suspension and order execution. (5) The main penalty for the new offense is established and implemented where appropriate, the provisions relating to relapse or the plurality of intermediate. (6) If the subsequent offense is committed by negligence, the court may maintain or revoke the suspended sentence supervision. Upon revocation, the provisions of par. (1), (4) and (5) shall apply accordingly. **Art 97 Cancellation suspended sentence under supervision** (1) If during the term of supervision is discovered that the person committed an offense sentenced until a final decision ordering the suspension, which was imposed imprisonment even after the expiry of that period, suspension is canceled, applying, where appropriate, the provisions on competition offenses, recidivism or intermediate plurality.(2) In the case of offenses or plurality intermediate court may order the suspension of the resultant penalty, if the conditions stipulated in art. 91. If you suspend the sentence under supervision, supervision period is calculated from the date the judgment becomes final conviction that suspended sentence previously pronounced under surveillance. **Art 98 Effects of suspended sentence under supervision** (1) If by the deadline surveillance convict did not commit a new crime, it was ordered revocation of suspended sentence under supervision and not found a cause for cancellation penalty is considered taken. (2 ) suspended sentence supervision no effect on safety and civil obligations stipulated in the sentence.

## Section 6 of parole

### Article 99 parole conditions where life imprisonment

(1) parole if life imprisonment may be ordered if:

- a) the convict has effectively served 20 years in prison
- b) the convict had good behavior throughout the of punishment,
- c) fully met the convict civil obligations established by conviction, unless they prove that there was no possibility to fulfill,
- d) the court is satisfied that the person convicted was directed and can reintegrate into society .

(2) It is mandatory to submit the reasons which led to the granting of parole and sentenced warning over his future conduct and the consequences that expose themselves will commit crimes or fail to comply with surveillance, or if you do not execute the obligations the incumbent during the term of supervision.

(3) the date of parole, the convicted is subject to a supervision period of 10 years. **Art 100 conditions of parole if**

**prison sentence** (1) if prison parole may be ordered if: a) the convicted person has served at least two-thirds of the length of the sentence, if imprisonment not exceeding 10 years, or at least three quarters of length of sentence, but not more than 20 years in prison for over 10 years, b) the convict is serving the sentence in open or semi-open regime, c) fully met the convict civil obligations established by conviction , unless they prove that there was no possibility to fulfill, d) the court is satisfied that the person convicted was directed and can reintegrate into society.(2) If the convicted person has reached the age of 60 years, may have parole after serving half of the penalty effective, if prison not exceeding 10 years, or at least two-thirds of the length of the sentence in prison for more than 10 years if the conditions stipulated in para. (1) b) - d). (3) In calculating fractions penalty in para. (1) shall take into account the part of the penalty that may be deemed, under the law, as implemented on the basis of work performed. In this case, parole may be ordered prior to the effective execution of at least half of the penalty of imprisonment, when this does not exceed 10 years, and at least two-thirds, when the punishment is more than 10 years. (4) part of the penalty calculation in para. (2) shall take into account the part of the penalty that may be deemed, under the law, as implemented on the basis of work performed. In this case, parole may be ordered prior to the effective execution of at least one third of the penalty of imprisonment, when this does not exceed 10 years, and at least half the punishment is less than 10 years. (5) mandatory to submit reasons which led to the granting of parole and sentenced warning over his future conduct and the consequences that expose themselves will commit crimes or fail to comply with supervisory measures or will not perform its obligations during the term supervision.

(6) The interval between parole date and time of celebrating life sentence term surveillance is convicted. **Art 101**

**surveillance measures and obligations** (1) If the remaining unexecuted punishment on release is 2 years or more, the convict must meet the following supervision measures: a) to present the probation service, the data attached to it , b) the person designated to receive visits by his supervision, c) to announce, in advance of any change of residence and any movement that exceeds 5 days d) to communicate changing jobs, e) to communicate information and documents as allow control his livelihood. (2) In the case referred to in para. (1), the court may require the convicted person to perform one or more of the following obligations: a) to attend a training school or professional qualification; b ) to attend one or more social reintegration programs run by the probation service or organized in collaboration with the community, c) not to leave Romania, d) not to be in certain places or at certain sporting events, cultural or other public gatherings, set by the court, e) not to communicate with the victim or members of his family, with participants committing the offense or other persons specified by the court, or to stay away from them, f) not to drive certain vehicles set by the court; g) not to hold, do not use and do not carry any type of weapon. (3) The obligations under par. (2). c) - g) can be imposed to the extent that the contents have not been applied in a complementary penalty prohibiting the exercise of rights. (4) In determining the obligation provided in par. (2). e), the court individualized, in particular, the content of this obligation, the circumstances of the case. (5) the surveillance and obligations provided in par. (2) a) and b) is performed at the time of granting release on a period equal to one third of the length of the period of supervision, but not more than 2 years, and obligations set forth in par. (2). c) - g) runs throughout the surveillance period. (6) To establish obligations under paragraph content. (2) a) and b), the court shall consult the probation service, which is required to make recommendations this. **Art 102 Supervision convicted** (1) During surveillance data provided in art.101 par. (1) c) - e) communicate the probation service. (2) supervising the execution of the obligations stipulated in art. 101 para. (2) a) and b) is the probation service. Checking the fulfillment of the obligations stipulated in art.101 par. (2). c) - g) is made by the competent authorities, which shall notify the probation service of any violation thereof. (3) monitoring obligations under art. 101 para. (2). d and e) can be performed by an electronic surveillance as provided by special law. (4) During supervision, the probation service has the obligation to inform the court if: a) grounds for intervening or modifying the obligation imposed by the court or Cessation of some of them, b) supervised person does not comply with or perform surveillance, under defined conditions, its obligations. **Art 103 Modification or termination obligations** (1) If during surveillance grounds for intervening or imposing new obligations or increase or decrease the performance of the existing conditions, the court has properly modifying the obligation to ensure convict more likely social reintegration. (2) The court order the termination of the execution of the obligations imposed on it, when appreciate that their maintenance is no longer required. **Art 104 Revocation of conditional release** (1) If the convicted person during supervision, in bad faith, does not comply with or perform supervisory duties imposed, the court shall revoke the release and enforce the remainder of the sentence. (2) If after granting release of the convicted committed a new crime, which was discovered in time surveillance and for which a conviction to imprisonment, even after the expiry of that period, the court shall revoke the release and enforce the remainder of the sentence. The penalty for the new offense is established and executed, as appropriate, in accordance with relapsed or plurality of intermediate. (3) The provisions of par. (1) and (2) shall apply accordingly in the case of conditional release from imprisonment punishment execution life. **Art 105 Cancellation of probation** (1) If, during the term of supervision is discovered that the person committed an offense sentenced to grant release for which imprisonment was imposed even after the expiry of that period, the release is canceled, applying, Where applicable, provisions relating to competition offenses, recidivism or intermediate plurality. (2) If, in relation to the resulting penalty, the conditions stipulated in art. 99 or 100, the court may grant parole. If ordering its release supervision term is calculated from the date of first release. (3) Where, after the annulment, the court enforce the sentence resultant complementary part of the penalty inoperative prohibition on the exercise of certain rights of cancellation will be executed

after release execution of imprisonment. **Art 106 Effects parole** until expiration if convicted surveillance has committed a new offense, not willing revoke parole and did not reveal a cause of cancellation penalty is considered taken.

## **Title IV - Safety measures**

### **CHAPTER I - GENERAL PROVISIONS**

#### **The aim of safety measures Article 107**

- (1) safety measures aimed at removing a sense of danger and prevention of the conduct under the criminal law.
- (2) the safety precautions to be taken against the person who committed an offense under criminal law unjustified.
- (3) The safety measures can be taken in case the perpetrator was not a penalty applies. **Art 108 Categories safety measures** safety measures are: a) compelling medical treatment, b) hospital care, c) prohibiting employment of a function or exercising a profession, d) special confiscation.

### **Chapter II - Rules Precautions**

#### **Article 109 Obligation to medical treatment**

- (1) If the perpetrator, because of illness, including that caused by chronic consumption of alcohol or other psychoactive substances hazardous to society can be compelled to undergo medical treatment until recovery or until getting an improvement to remove the state of emergency.
- (2) When the person to which this measure was taken following treatment, hospital care may be ordered.
- (3) If the person liable to treatment is sentenced to a custodial sentence, treatment is done and during the execution of the sentence. **Art 110 hospital care** when the perpetrator is mentally ill, chronic consumption of psychoactive substances or suffering from infectious disease and present danger to society, it may take admission in a specialized medical unit, until recovery or until a improvement to remove the state of emergency. **Art 111 Prohibition of employment of a function or exercising a profession** (1) When the offender has committed the offense because of disability, not prepared, or other circumstances that make it unfit for occupation of a certain function, the exercise of a profession or a trade, or to conduct any other activities, is may take Deprivation of the Right to occupy that function or exercise a profession, trade or business. (2) The safety measures may be revoked upon request, after a period of at least one year, if it finds that the grounds have imposed are stopped. A new application can not be made until after the passage of a period of at least one year after the previous rejection. **Art112 Special confiscation** (1) are subject to special confiscation: a) goods produced deed stipulated by the criminal law, b) the goods have been used, in any manner, or intended to be used in committing an offense under the criminal law, if are the perpetrator or if belonging to another person, she knew the purpose of their use, c) goods used immediately after the act to ensure escape using either the perpetrator or the preservation of the outcome, if the perpetrator or if belonging to another person, she knew the purpose of their use, d) goods which were to determine the commission of an offense under the criminal law, or to reward the doer, e) acquired property deed stipulated by the criminal law, if not returned to the person injured and the extent that it does not serve to compensation, f) goods whose possession is prohibited by criminal law. (2) If in para. (1) b) and c), if the value is manifestly disproportionate confiscation to the nature and seriousness of the offense, confiscation in part by the terms of money, considering the following occurred or would have occurred and the good contribution to it. If the goods were produced, modified or adapted in order deed stipulated by the criminal law, their confiscation entirely.(3) In cases referred to in para. (1). b) and c), if the goods can not be seized because it does not belong to the offender, and who made them did not know the purpose of their use, will forfeit their cash equivalent, subject to the provisions of par. (2). (4) The provisions of par. (1). b) does not apply to acts committed by the press. (5) If the goods subject to seizure par. (1) b) - e) are not found, instead of confiscating their money and goods up to the value. (6) also seized the goods and the money obtained from exploitation and confiscation goods produced by them, except for goods provided in par. (1). b) and c).

## **Title V - Minorities**

## Chapter I - TREATMENT OF A MINOR CRIMINAL LIABILITY

### Criminal liability Article 113

(1) A minor who has not attained the age of 14 years is not criminally liable.

(2) A minor who is aged between 14 and 16 criminally liable only if it is proved to have committed the act with discernment.

(3) A minor who has reached the age of 16 criminally liable under the law. **Art 114 The consequences of criminal responsibility** (1) the minor, at the time of the offense, be aged between 14 and 18 years and a non-custodial educational measures. (2) the minor in para. (1) can take a measure of educational deprivation of liberty in the following cases: a) if it has committed a crime for which he was an educational measure has been executed or the execution of which began before the offense for which judged b) when the punishment provided for the offense committed is imprisonment for 7 years or more or life imprisonment. **Art 115 educational measures** (1) Educational measures are non-custodial or custodial. 1. Custodial educational measures are: a) training course civic b) supervision, c) depositing on weekends, d) daily assistance; 2. Custodial educational measures are: a) hospitalization in an educational center, b) hospitalization in a detention center. (2) Elections educational measures to be taken against the minor is under art. 114, according to the criteria stipulated in art. 74. **Art Assessment report 116** (1) In its assessment the child, according to the criteria stipulated in art. 74, the court will require the preparation of a probation service report that will also reasoned proposals regarding the nature and duration of the social reintegration programs should follow the child, and the other obligations which it may be imposed by the court. (2) assessment report on compliance or enforcement of the educational measure imposed obligations is made in all cases where the court has the educational measure or to modify or terminate the execution of the obligations imposed, as well as finishing the educational measure.

## Chapter II - Rules custodial educational measures

### The training civic Article 117

(1) The educational measure of training consists civic obligation to participate in a minor program with a duration of four months, to help them understand the legal and social consequences that expose for committing crimes and accountable about future behavior.

(2) The organization, ensuring participation and juvenile supervision during the training civic, are made under the direction of the probation service without affecting the minor program or professional school. **Art 118 Monitoring** of educational measures surveillance consists in controlling and guiding the child in the program or daily, lasting between two and six months, under the supervision of the probation service to ensure participation in school or training courses and prevent development of activities or entry in connection with certain individuals that might affect its calibration procedure. **Art 119**

**Recording at the weekend** (1) The educational measure on weekends recording the obligation consists in the minor to leave the house on Saturdays and Sundays, for a period between 4 and 12 weeks, unless that, in this period, is required to participate in certain programs or to conduct certain activities imposed by the court. (2) Monitoring is coordinated by the probation service. **Art 120 daily assistance** (1) Educational measures to assist daily minor consists obligation to comply with a schedule determined by the probation service, which contains the schedule of activities and conditions and prohibitions imposed minor. (2) educational measures to assist daily take a period between 3 and 6 months and is coordinated supervision of the probation service. **Art 121 obligations may be imposed on juvenile** (1) During the execution of non-custodial educational measures, the juvenile court may impose one or more of the following obligations: a) to follow a course of education or training, b) do not exceed without the probation service, territorial limit set by the court, c) not to be in certain places or at certain sporting events, cultural or other public gatherings, set by the court, d) not to close and not communicate with the victim or members of his family, with participants committing the offense or other persons specified by the court, e) to report to the probation service to data attached to it, f) accept control measures, treatment or care. (2) In determining the obligation provided in par. (1). d) individualized court, in particular, the content of this obligation, the circumstances of the case. (3) supervising the execution of the obligations imposed by the court is coordinated by the probation service. (4) During the execution of the educational non-custodial service probation has the obligation to inform the court if: a) grounds for intervening or modifying the obligations imposed by the court or Cessation of some of them, b) the person does not comply with supervised execution of the educational measure or perform, under defined conditions, its obligations. **Art 122 Modification or termination obligations** (1) If, during supervision, grounds justifying intervene or impose new obligations or increase or decrease the performance of the existing conditions, the court has properly modifying the obligation to ensure that the supervised person greater chance of straightening. (2) The court order the termination of the execution of the obligations they imposed, when it deems such retention is no longer necessary. **Art 123 Extension or replacement of non-custodial educational measures** (1) If the child does not comply, in bad faith, to measure educational performance conditions or obligations imposed, the court has: a) extending educational measure, without exceeding the statutory maximum for this, b) replace the measure with another measure more severe custodial educational, c) replacing the measure of internment in an educational center, where, initially, it was educational as the non-custodial severe during its peak. (2) In the cases provided in par. (1). a) and b) if no such date is not met performance conditions or obligations imposed educational measure, the court replaces the non-custodial educational measures with hospitalization as a educational center. (3) If the minor in the execution of a

custodial educational measures commits a new crime or tried for a crime committed before the competition, the court has: a) extending educational measure taken initially without exceeding the statutory maximum for this, b) replace the measure with another measure initial severe educational deprivation of freedom, c) replacing the measure initially an educational measure of imprisonment. (4) In the cases provided in par. (1). a) and b) and in par. (3). a) and b), the court may impose new obligations on minor or enhances existing performance conditions.

### **Chapter III - Single custodial educational measures**

#### **Article 124 admission in educational center**

(1) The educational measure of remand in an educational center consists of placing the juvenile in an institution specializing in the rehabilitation of the juvenile, where you follow a training program and training school according to his ability, and and social reintegration programs.

(2) Hospitalization is available for a period between one and three years.

(3) If during hospitalization minor commits a new crime or tried for a crime committed before the competition, the court may maintain the measures hospitalization in an educational center, extending it, without exceeding the statutory maximum, or replace the measure of internment in a detention center.

(4) If the child during hospitalization showed constant interest in acquiring academic knowledge and professional and made good progress in the social reintegration after the execution of at least half of the admission, the court may order: a) replacing admission assist with educational measure daily for a period equal to the duration of hospitalization executed but not more than 6 months if the person admitted under the age of 18 years, b) exemption from educational center if internal person reached the age of 18.

(5) when replacing or enforce court release one or more of the obligations set forth in Article . 121 until reaching measure the length of hospitalization.

(6) If the child does not comply, in bad faith, assisting measure performance conditions or obligations imposed daily, the court returns the substitution or release and enforce the unexecuted remainder of the measure during hospitalization in an educational center.

(7) In case of committing, up to the duration of hospitalization, a new crime by a person who has not reached age 18 and over ordering replacement measure admission into educational center as assisting daily returns on the replacement court and has:

a) execution remainder of the measure during the initial hospitalization, with the possibility of its prolongation to the statutory maximum,

b) hospitalization in a detention center. **Art 125 internment in a detention center** (1) The educational measure of remand in a detention center consists of placing the juvenile in an institution specializing in recovery minors, guarding regime, where will follow intensive programs for social reintegration, and school readiness programs and training according to his ability. (2) Hospitalization is available for a period between 2 and 5 years, unless the sentence prescribed by law for the offense is imprisonment for 20 years or more or life imprisonment, when admission is taken for a period between 5 and 15 years. (3) If during hospitalization minor commits a new crime or tried for a crime committed before the competition, the court extended confinement without exceeding the maximum extent provided in par. (2) determined in relation to the worst of the punishment provided by law for the offense committed. Educational measure is subtracted from the length of time served by the time the decision. (4) If the child during hospitalization showed constant interest in acquiring academic knowledge and professional and made good progress in the social reintegration after the execution of at least half the duration of hospitalization, the court may order: a) replacing admission assist with educational measure daily for a period equal to the duration of enforced confinement but no more than 6 months, if the person admitted under the age of 18 years, b) exemption from the center detention, if the person has reached the age hospitalized 18. (5) when replacing or release, the court requires compliance with one or more of the obligations stipulated in art. 121, up to the duration of hospitalization measure. (6) If the child does not comply, in bad faith, assisting measure performance conditions or obligations imposed daily, the court returns the substitution or release and enforce the unexecuted remainder of the duration measure in admission a detention center. (7) In case of committing, up to the duration of hospitalization, a new crime by a person who has not reached age 18 and over ordering replacement measure internment in a detention center as assisting with daily returns on the replacement court and has: a) execution remainder of the measure during internment in a detention center, b) that prolongs hospitalization as provided in par. (3). **Art Regime change 126 times** If during the execution of a custodial educational measures hospitalized person who has reached the age of 18, has a behavior which adversely affects or prevents the recovery and reintegration of others hospitalized, the court may order execution to continue educational measure in a penitentiary. **Art 127 The calculation of educational measures to measures educational custodial provisions of art.71. - 73 shall apply accordingly.**

### **Chapter IV - PROVISIONS COMMON**

#### **Article 128 Effects of mitigation and aggravation cases**

for crimes committed in timpull minority, mitigation and aggravation causes are considered when choosing educational measure and effect between the limits set by law for each measure education. **Art Plurality 129 crimes**(1) If the offenses made during minority, determines and educational measures to take one all the facts, in terms of art. 114, taking into account the criteria set out in Article 74. (2) If the two offenses of committing one during and one after increased minority for the crime committed during minority take an educational measure and for crimes committed after it increased establishes a penalty, then: a) if it is non-custodial educational measures are executed only punish b) Where Education is deprivation of liberty and the punishment is imprisonment, the punishment is prison, which is increased by a period equal to the least a quarter of the way through the educational measure or the rest of the unexecuted on the offense committed by increased; c) if the sentence imposed for the offense is increased by life imprisonment, but this sentence is executed, d) if the measure is educational deprivation of freedom and the penalty is a fine, run educational measures whose duration is increased by more than 6 months, not to exceed the statutory maximum for that. (3) If in para. (2). b) minus the length of sentence which was executed in the time of the offense committed by increased until trial. (4) If after committing major crimes two or more competing, first apply the rules on competition offenses , then make the application of par. (2).(5) The punishment under the provisions of par. (2). b) not subject to postponement or suspension of the penalty under surveillance. **Art 130 The discovery of an offense committed during minority** If during the period of postponement surveillance penalty of suspension of parole supervision or it is discovered that the person committed an offense supervised during minority which was taken right after the expiry of a period as educational deprivation of liberty, postponement, suspension or release is canceled, properly applying the provisions of art. 129 para. (2) - (4). **Art 131 Limitation of criminal responsibility of minors** criminal liability limitation periods set forth in art. 154, is reduced to half for those who were minors at the time the offense and stop or suspended under the law for adults. **Art 132 Prescription execution educational measures** (1) The non-custodial educational measures are prescribed in a period of 2 years from the date when the decision that was taken. (2) custodial educational measures are prescribed within a peer lasting educational measures taken, but not less than 2 years. (3) limitation of the execution of educational measures is interrupted and suspended as provided by law for adults. (4) If replacing educational measures, enforcement prescribing As compared with the worst educational and runs from the date the judgment becomes final ordering replacement. **Art 133 Effects of educational measures** educational measures do not attract bans, forfeiture or disability. **Art 134 minor become major** (1) The provisions of this title shall apply to the major at the time of the offense, were aged between 14 and 18. (2) Where, at the date of the judgment which has been taken as educational deprivation of liberty, offender has reached the age of 18 court, considering its possibilities straightening, age and other criteria mentioned in Article 74, may make the execution of the educational measure in a penitentiary.

## **Title VI - Criminal liability of legal persons**

### **CHAPTER I - GENERAL PROVISIONS**

#### **Article 135 Conditions criminal liability of legal persons**

(1) Legal persons, except for state and public authorities, criminal liability for offenses committed in achieving the object of activity or interest or on behalf of the legal person.

(2) Public institutions are not criminally liable for offenses committed in the exercise of activities that may not be the private domain.

(3) Criminal liability of legal persons does not exclude criminal liability of individuals who contributed to the commission of the same facts. **Art 136 Penalties for legal entities** (1) Punishments legal entities are the main and complementary. (2)

The main penalty is a fine. (3) The additional penalties are: a) the dissolution of the legal person; b) suspension of activity or one of the activities of the legal person a period of 3 months to 3 years c) closure of outlets of the legal person for a period of 3 months to 3 years d) prohibition to participate in public procurement procedures for a period of one to three years e) judicial supervision, f) posting or publication conviction. **Art Setting 137 fine for legal entities** (1) The fine consists of the sum of money that the legal person is condemned to pay the state. (2) The amount of the fine is determined by the day-fine system. Appropriate amount of days - a fine of between 100 and 5000 lei, multiplied by the number of days-fine, which is between 30 days and 600 days. (3) The court shall determine the number of days-fine considering the general criteria for individualization punishment. The amount corresponding to the day - the fine is

determined taking into account the turnover of the legal entity for profit, ie the value of the assets in other legal and other obligations of the legal person. (4) The limits of the days special -fines are between: a) 60 and 180 days-fine, the law provides for the fine only offense, b) 120 and 240 days-fine, the law provides imprisonment not exceeding five years, or alternatively only with the fine, c) 180 and 300 days-fine, the law provides for imprisonment of 10 years d) 240 and 420 days-fine, the law provides for imprisonment of up to 20 years e) 360 and 510 days-fine, the law provides imprisonment exceeding 20 years or life imprisonment, (5) when the offense has pursued legal person getting a patrimony special days-fine limits prescribed by law for the offense Commission may increase by a third, without exceeding the maximum fine overall. In setting the fine shall take into account the amount received or watched patrimony.

### **Chapter II - ADDITIONAL penalty system for legal entities**

#### **Article 138 in additional penalties and enforcement of the legal entity**

(1) The application of one or more additional penalties when ordering court finds, for nature and seriousness of the offense and the circumstances of the case, these punishments are needed.

(2) applying one or more additional punishment is required when the law states that punishment.

(3) The additional penalties provided in Art. 136 para. (3) b) - f) can be applied together.

(4) The additional punishment execution begins after the judgment becomes final conviction. **Art 139 Dissolution of the legal entity** (1) Additional penalty of dissolution of the legal person shall apply when: a) the legal entity was established for the purpose of committing crimes, b) the object or activity was hijacked in order to commit crimes and punishment stipulated by law for the offense is imprisonment exceeding three years. (2) In case of failure, in bad faith, of one additional penalties provided in Art. 136 para. (3). b) - e), the court shall order the dissolution of the legal person. (3) Additional penalty of dissolution of the legal person has the effect of opening of liquidation proceedings, the law, and a copy of the judgment of conviction imposing the sentence it will be communicated immediately by the competent civil court, to proceed to the appointment of the liquidator. **Art 140 Suspension of business legal entities** (1) Additional penalty of suspension of activity consists in banning legal person carrying out the activity or activities of one of the legal person, in making the offense was committed. (2) In case of failure, in bad faith, the additional penalty stipulated in art. 136 para. (3). f), the court has suspended business activities or one of the legal person until the enforcement of the sentence complement, but not more than 3 months. (3) If before the expiration of the period stipulated in para. (2) Additional penalty not court has been enforced dissolution of the legal person. **Art 141 Non-application of dissolution or suspension of activity of the legal person** (1) additional penalties provided in Art. 136 para. (3). a) and b) can not be applied to public institutions, political parties, trade unions, employers' organizations and religious or ethnic minorities, established by law. (2) The provisions of par. (1) shall apply to businesses that operate in the press. **Art 142 Closure of workstations legal person** (1) Closing the complementary penalty of the legal person workstations consists of closing one or more of the premises belonging to for-profit legal entity in which to operate in achievement that has crime was committed.(2) The provisions of par. (1) does not apply to businesses that operate in the press. **Art 143 Prohibition to participate in public procurement procedures** complementary punishment of prohibition to participate in public procurement procedures is the prohibition to participate, directly or indirectly, the procedures for awarding public contracts, as required by law. **Art 144 judicial supervision** (1) consists of judicial supervision by the court appointment of a trustee or legal representative who will oversee a period of one to three years, this activity has given rise to the crime. (2) judicial administrator or trustee is required to notify the court if it finds that the legal person has not taken the necessary steps to prevent the commission of new crimes. If the court finds that the complaint is founded, replacing the custodial sentence has provided the art. 140. (3) judicial supervision shall not apply to legal persons referred to in art. 141. **Art 145 Display and publication of the decision of conviction** (1) Display the final sentence or publication is done at the expense of the convicted legal person. (2) display or publish the conviction decision identity can not be revealed to others. (3) Display of the decision to conviction is made in extract form and place in the court, for a period between one month and three months. (4) The publication of the judgment of conviction shall be done extracted in the form prescribed by the court, through the print media or audio other visual or audio-visual media designated by the court. (5) If the publication is in print or audio-visual sets the number of court appearances, poare not be more than 10, and if other means of publication audio-visual duration may not exceed 3 months.

### Chapter III - PROVISIONS COMMON

#### Article 146 repetition of the legal person

(1) There is a legal person when relapse after a judgment becomes final sentencing and rehabilitation to the legal person commits a new crime, with intent or intentionally exceeded.

(2) In case of relapse, special limits of the punishment prescribed by law for the new offense is increased by half, not to exceed the general maximum of the fine.

(3) If the previous penalty was not executed in whole or in part, the fine established for the new offense under par. (2) adds to the previous sentence and the rest of it remained unfulfilled.

(4) The provisions of art. 42 shall apply accordingly. **Art 147 mitigation and aggravation of criminal liability of legal persons** (1) In the case of offenses, or causes intermediate plurality of mitigation or aggravation of the criminal liability of the legal person and shall apply to the fine prescribed by law for individuals. (2) case of multiple offenses, the penalties complementary nature of different, except dissolution, or those of the same nature but different content duplicated and additional penalties of the same nature and the same applies to the hardest content. (3) case of multiple offenses, the safety measures taken under Art. 112 cumulative. **Art 148 Limitation of Liability criminal** liability of legal persons is prescribed under the law for the individual, the provisions contained in Art. 153-156 being applied properly. **Art 149 Limitation of punishment** (1) The period of limitation for enforcement of the fine for legal entities is 5 years. (2) The execution of alternative sanctions for legal persons shall prescribe a period of 3 years, which run from the date on which the fine was executed or considered executed. (3) The provisions of art. 161, 162 para. (2), art. 163 and art. 164 shall apply accordingly. **Art 150 Rehabilitation legal entity** Rehabilitation legal person occurs as if, within 3 years from the date on which the fine or penalty was executed or complementary considered executed, it has not committed any other offense. **Art.151 Effects merging and splitting legal person** (1) In case of loss of legal personality by merger, absorption or division occurred after the crime, criminal liability and its consequences will undertake: a) in the legal person created by fusion b) the legal person acquiring , c) the responsibility of legal entities were created by splitting or become divided factions of the person's assets. (2) In the case referred to in para. (1) in the sentence will take into account the turnover, ie the value assets of the legal person who committed the crime, as well as part of its heritage which was sent to each participating legal operation.

## **Title VII - causes removing criminal liability**

### **Article 152 Effects of amnesty**

(1) Amnesty remove criminal responsibility for the crimes. If occurs after conviction, it removes and execution of the sentence pronounced, and other consequences of conviction. Fines collected before amnesty is not returned.

(2) Amnesty has no effect on safety and the rights of the injured. **Art 153 Limitation of criminal responsibility** (1) Prescription removes criminal liability. (2) Limitation not remove the criminal liability for crimes of genocide, war against humanity. **art.154 limitation periods for criminal liability** (1) limitation of criminal liability are: a) 15 years ago, when the law provides for life imprisonment offense or imprisonment of more than 20 years b) 10 years ago, when the law provides imprisonment for offenses committed more than 10 years but not exceeding 20 years c) 8 years, when the law provides imprisonment for offenses committed more than 5 years but not exceeding 10 years d) 5 years, when the law provides imprisonment for offenses committed more than one year but not exceeding 5 years e) 3 years, when the law provides for imprisonment offense not exceeding one year or a fine, (2) terms in this article begin to run from the date of the offense. In case of further offenses term starts from the date the action or inaction, the offenses continued on last actions or inactions and committing the offenses usually after committing the final act. (3) If the offenses progressive term criminal liability prescription begins to run from the date of committing the action or inaction and calculated in relation to the final result produced appropriate punishment. (4) If the offenses against sexual freedom and integrity, committed against a minor, the limitation period begins to run from the date on which it became a major. If the child died before reaching adulthood, the limitation period begins to run from the date of death. **Art 155 interruption of limitation for criminal liability** (1) criminal liability during the period of prescription is interrupted by doing all the acts of the proceedings. (2) After each interruption shall start a new period of limitation. (3) The interruption of the limitation period is to the all participants in the offense, even if the act of interruption concerns only some of them. (4) The terms stipulated in art. 154, if you were overcome with another half will be counted out any interruptions would occur. (5) Admission in principle the request to reopen the trial is to run a new limitation period for criminal liability. **Art 156 Suspension of the limitation for criminal liability** (1) criminal liability during the period of prescription is suspended while a statutory provision or an unforeseen or unavoidable circumstance prevents the in criminal action or continuation of criminal proceedings. (2) Prescription resume during the day he stopped because of suspension. **Art 157 Lack of prior complaint** (1) the offenses for which the initiation of criminal action is conditioned by the introduction of a prior complaint from the injured person, the lack of complaints removes criminal liability. (2) an act that harms more people draw criminal liability, even if only preliminary complaint was made by one of them. (3) The act attracts criminal liability of all individuals or legal entities who participated in committing it, even if the previous complaint was made only on one of them. (4) If the claimant is a person lacking legal capacity or with limited exercise capacity or legal entity that is represented by the offender, criminal action can be put in motion and the motion. (5) If the injured person died, or if it was liquidated legal person before the expiration of the term provided by law for the introduction of the complaint, criminal proceedings may be instituted ex officio. **Art 158 Withdrawal prior complaint** (1) Withdrawal may occur prior complaint to a final judgment in the case of offenses for which the initiation of criminal action is conditioned by the introduction of a prior complaint. (2) Withdrawal prior complaint removes the criminal liability of the person on which the complaint was withdrawn. (3) For persons lacking legal capacity preliminary complaint is withdrawn only by their legal representatives. For people with limited exercise capacity is withdrawn with the consent of the persons required by law. (4) If the offenses for which the initiation of criminal action is conditioned by the introduction of a prior complaint, but criminal action was set in motion in motion under the law, withdrawal complaint effect only if appropriated by the prosecutor. **Art 159 Reconciliation** (1) Reconciliation can occur if the commissioning criminal action was done by default, unless the law expressly so provides. (2) Reconciliation removes criminal and civil action off. (3) Reconciliation effect only of persons between that occurred and if there is to read the document instituting the proceedings. (4) For persons lacking legal capacity reconciliation is done only by their legal representatives and persons with limited exercise capacity can reconcile with the consent of the persons required by law. (5) If the legal entity reconciliation is performed or conventional legal representative or by the person appointed in his place. Reconciliation legal entity that intervned between the offense and the person injured is not effective against individuals who participated in the commission of the same facts. (6) If the offense is committed by the representative of the legal person injured provisions of art. 158 para.(4) shall apply accordingly.

## **Title VIII - CAUSES removes or modifies Penalty**

### **Article 160 Effects of pardon**

(1) pardon has the effect of removing, in whole or in part, or commutation of punishment to it somewhere easier.

(2) Pardon complementary punishment has no effect on non-custodial and educative measures, except the case when the act of pardon otherwise.

(3) pardon has no effect on safety and the rights of the injured.

(4) The pardon does not affect the punishment of which is suspended under supervision, unless otherwise provided by the act of pardon. **Art 161 Limitation of punishment** (1) Prescription execution removes the principal penalty. (2) The prescription does not remove the main execution of sentences imposed for crimes of genocide, war against humanity. **Art 162 limitation periods of punishment** (1) limitation of the execution of punishment for individuals are: a) 20 years ago, when the punishment is to be executed is life imprisonment or imprisonment of more than 15 years b) 5 years plus the length of the sentence to be executed, but not more than 15 years, the other prison

sentences, c) three years, if the penalty is a fine time. (2) The terms in para. (1) shall consider at time conviction became final. (3) If the revocation or cancellation postponement penalty, suspended sentence or parole supervision, the limitation period begins to run from the date the decision of revocation or cancellation became final. (4) Upon revocation of probation, according to art. 104 para. (1) limitation period begins to run from the date the revocation decision became final and is calculated in relation to the rest of the sentence executed. (5) If replacing the fine with imprisonment, the limitation period runs the date when the decision became final replacement and calculated in relation to the duration of imprisonment. (6) The additional penalties for individuals and safety measures are not prescribed. (7) to be executed penalty means the penalty prescribed by the court, taking into account the causes subsequent amendments. **Art 163 interruption of prescription of punishment** (1) the limitation period is interrupted by the commencement of punishment of punishment. Avoiding execution after the beginning of punishment, is to run a new limitation period from the date of theft. (2) the limitation period is interrupted and the execution by committing a crime again. (3) the limitation period to discontinue enforcement of the fine and the payment obligation by replacing the fine with the obligation to provide a community service work. **Art 164 Suspension of the limitation of punishment** (1) during the period of prescription of punishment is suspended in the cases and conditions stipulated in the Criminal Procedure Code. (2) Prescription resume during the day he stopped because of suspension.

## **Title IX - reasons alleviate the consequences of conviction**

### **Article 165 of law Rehabilitation**

Rehabilitation occurs as fine penalty in case of conviction, to imprisonment not exceeding two years or to imprisonment the execution of which was suspended under supervision within three years if convicted did not commit a other offense. **Art 166 Restoration court** (1) sentenced person may be restored upon request by the court after reaching the following terms: a) 4 years if the conviction to imprisonment of more than 2 years but not exceeding 5 years b) 5 years if a sentence of imprisonment of more than 5 years but not exceeding 10 years c) 7, in case of conviction to imprisonment exceeding 10 years if sentenced to life imprisonment, commuted to imprisonment or replaced; d) 10 years in case of conviction to life imprisonment considered taken as a result of pardon, the expiration of limitation period of the execution of sentence or parole. (2) sentenced to death expiry of rehabilitation can be rehabilitated if the court, evaluating behavior sentenced to death, said it is worth the benefit. **Art 167 Calculation of term of rehabilitation** (1) The period stipulated in art. 165 and 166 are counted from the date of execution of the sentence ended when the principal or the date when it was prescribed. (2) For those sentenced to the penalty of fine, the period runs from the time the fine was paid in full or its execution is off in any other way. (3) In case of total pardon or pardon of the remaining sentence, the period runs from the date of the pardon, if at the time the conviction was final or the date the judgment becomes final sentence, if it refers to the act of pardoning offenses pending. (4) In case of suspension of punishment execution supervision period runs from the date of expiration of supervision. (5) Where successive prosecutions rehabilitation period is calculated in relation to heaviest punishment and flows at the date of the last sentence. **Art 168 Conditions judicial rehabilitation** rehabilitation application is permitted if the court convicted meets the following conditions: a) not commit another crime in the range stipulated in art. 166, b) to pay all court costs and has fulfilled civil obligations established by conviction, unless they prove that it was unable to fulfill or when dropped from a civil damages. **Art 169 Effects of rehabilitation of law or court** (1) Rehabilitation and prohibitions do to stop decay and failure resulting in conviction. (2) rehabilitation does not function due obligation reintegration of the sentenced was removed after conviction or Rendering military rank lost. (3) Rehabilitation has no effect on safety. **Art 170 Renewal application for judicial rehabilitation** (1) In case of rejection of application for rehabilitation, can not introduce a new application until after a period of one year, which is deemed the date of refusal by the final decision. (2) The conditions referred in art.168 must be met for the period that preceded the new application. (3) The application rejected due to non-fulfillment of conditions as may be renewed according to the Criminal Procedure Code. **Art 171 Cancellation rehabilitation** Rehabilitation court will be canceled when, after an award, it was found that the rehabilitated May committed an offense which, had it been known, would have led to rejection of rehabilitation.

## **Title X - the meaning of certain terms or phrases in criminal law**

### **Article 172 General Provisions**

Whenever criminal law uses a word or phrase from those shown in this way, their meaning as provided in the following articles, unless they otherwise criminal law. **Art 173 Criminal Law** By "criminal law" means any provision of the criminal law contained in the organic laws, ordinance or other regulations that their establishment had the force of law. **Art 174 an offense** By "committing a crime" or "committing a crime" means committing any of the acts which the law punishes the crime or attempted consumption and participation in their commission as co-author, instigator or accomplice. **Art . 175 Civil Servants** (1) public servant within the meaning of the criminal law is the person who, permanently or temporarily, with or without remuneration: a) exercise the powers and responsibilities established by law in order to achieve the powers of the legislative, executive or court, b) performing a public dignity or a public office of any kind, c) exercise, alone or together with others in a autonomous, of another operator or a legal entity owned or majority state or of a legal person declared as public utility tasks related to achieving the objects of it. (2) is also considered public servant within the meaning of the criminal law, a person exercising a public service for which the invested by public authorities or subject to their control or supervision on the performance of that public service. **Art 176 Public** By the term "public" means all concerned public authorities, public institutions and other legal entities administering or operating public property

assets. **Art 177 Family member** (1) "member of the family" means: a) ascendants and descendants, brothers and sisters, their children, and people have become by adoption, by law, such relatives, b) husband, c) persons who have established relationships similar to those tooth spouses or between parents and children, where coexist. (2) The provisions of criminal law relating to family member within the limits of para. (1) a), apply in the case of adoption, and its offspring or adopted person in relation to natural relatives. **Art 178 Information state secrets and official documents** (1) "State Secret Information" is information classified as such under the law. (2) "official document" means any document that emanated from a legal entity of the referred article. 176 times the person stipulated in art. 175 para. (2) or belonging to such person. **Art 179 Weapons** (1) "Weapons" are instruments, devices or parts as declared by statutory provisions. (2) are treated as any other object on the nature of weapons to be used as weapons and were used for the attack. **Art 180 electronic payment instruments** The "electronic payment instrument" means an instrument that allows the holder to perform cash withdrawals, loading and unloading of electronic money instrument and fund transfers other than those ordered and executed by financial institutions. **Art 181 computer system and computer data** (1) "computer system" means any device or assembly of devices interconnected or related devices, one or more automatic processing of data by a computer program (2) "computer data" means any representation of facts, information or concepts in a form that can be processed by a computer system. **Art 182 Operation of a person** "holding a person" means: a) submission to the execution of a work or performance of services, forcibly, b) keeping slavery or other similar procedures of deprivation of freedom or servitude; c) forced into prostitution, pornography events in the production and dissemination of pornographic materials or other forms of sexual exploitation, d) forced into prostitution, e) the removal of organs illegally. **Art 183 severe consequences** The serious consequences means a material damage exceeding £ 2,000,000. **Art 184 acts committed in public** act is considered performed in public when it was committed: a) in a place that by its nature or purpose is always accessible to the public, even if no person is present, b) in any other place accessible public present if two or more persons, c) in a place inaccessible to the public, but with the intent that the act be heard or seen, and if the result was produced from two or more persons, d) a meeting or meeting more people, except for meetings which can be regarded as a family character, due to the relations between individuals. **Art 185 Time of War** The "time of war" means a state of national mobilization of armed forces during a state of war. **Art 186 Calculation of time** (1) In calculating the day is deemed 24 hours, 7 days week and the year of 12 months. Month and year is deemed to expire on the day before the day corresponding to the date from which they started leaking. (2) If the penalty limit is expressed in a month term is divisible by what fraction would increase or reduction to apply the term will apply fraction transformed in days, after which time shall be converted to months. In this case the month of 30 days is deemed and taken into account only for days from the application fraction. (3) If the penalty limits expressed in years properly apply the provisions of para. (2) the conversion is done between years and months. **Art 187 penalty provided by law** The "punishment provided by law" means the punishment provided in the text of the law criminalizing acts committed as consumers, without considering the causes of the reduction or increase of punishment.

## THE SPECIAL

### Title I - CRIMES AGAINST THE PERSON

#### Chapter I - CRIMES AGAINST LIFE

##### 188 Art Murder

(1) Killing a person is punished with imprisonment from 10 to 20 years and the prohibition of the exercise of rights. (2) The attempt shall be punishable. **Art 189 degree murder** (1) murder committed in any of the following circumstances: a) premeditated, b) financial interest, c) to evade or escape to another from criminal liability or the execution of a sentence; d) to facilitate or conceal the commission of another crime, e) by a person who has previously committed a felony murder or attempted homicide, f) against two or more persons; g) on a woman pregnant, h) cruelty shall be punished with imprisonment for life or imprisonment of 15 to 25 years and the prohibition of the exercise of rights. (2) The attempt shall be punishable. **Art 190 Killing the request of the victim** committed the murder explicit request, serious and repeated conscious victim who was suffering from an incurable disease or infirmity serious medical certificates, causing unbearable suffering permanent and shall be punished by imprisonment from 1 to 5 years. **Art 191 causing or aiding suicide** (1) The act of suicide or aiding a person determine if the suicide occurred, shall be punished with imprisonment for 3-7 years. (2) When the acts described in the preceding paragraph has been committed against a minor aged between 13 and 18 years old or to a person with diminished responsibility, the punishment is imprisonment from 5 to 10 years. (3) causing or aiding suicide, committed against a minor who has not reached age 13 or face a person who could not realize the consequences of his actions or inactions or could not control them, if suicide took place, shall be punished with imprisonment from 10 to 20 years and the prohibition of the exercise of rights. (4) If the acts causing or aiding in para. (1) - (3) were followed by a suicide attempt, special limits of the penalty is reduced to half. **Art 192 involuntary manslaughter** (1) involuntary manslaughter of a person shall be punished by imprisonment of one to five years. (2) involuntary manslaughter as a result of reliance on legal provisions or precautions to exercise a profession or a trade, or to performing a certain activity, shall be punished with imprisonment for 2-7 years. When the breach of law or provision of measures is in itself an offense, the rules of competition offenses. (3) If the offense was committed caused the death of two or more persons, special limits of the penalty provided in the preceding paragraphs increased by half.

## Chapter II - crimes against physical integrity or health

### Article 193 battery or other violent

(1) Striking or acts of violence causing physical suffering shall be punished by imprisonment from 3 months to 2 years or a fine.

(2) An act which produces injuries or harm a person whose gravity is measured by days of medical care for more than 90 days shall be punished with imprisonment from 6 months to 5 years or a fine.

(3) Criminal proceedings are initiated upon prior complaint from the injured person. **Art 194 Vatamarea body** (1) The act provided for in art. 193 that caused any of the following consequences: a) a disability, b) damage injuries or health of a person who needed to cure more than 90 days of care, c) serious and permanent injury to aesthetic;d) abortion, s) endangering the life of the person, shall be punished with imprisonment for 2-7 years. (2) When the offense was committed in order to produce one of the consequences set out in para. (1). a), b) and c) the penalty is imprisonment from 3 to 10 years. (3) Attempt to offenses under par. (2) shall be punished. **Art Hitting 195 causing death or bodily If** any of the acts mentioned in art. 193 and art. 194 resulted in death of the victim, the penalty is imprisonment from 6-12 years. **Art 196 personal injury negligence** (1) The act provided for in art. 193 para. (2) intentionally committed by a person under the influence of alcohol or a psychoactive substance or conduct an activity that is in itself an offense punishable with imprisonment from three months to one year or a fine. (2) An act provided for in art. 194 para. (1) intentionally committed, shall be punished with imprisonment from 6 months to 2 years or a fine. (3) When the offense provided in par. (2) has been committed as a result of reliance on legal provisions or precautions exercise of a profession or a trade, or to perform a certain activity, the penalty is imprisonment from 6 months to 3 years or a fine. (4) If the consequences provided in par. (1) - (3) were produced from two or more persons, special limits of the penalty shall be increased by one third. (5) If non-compliance with laws or measures of provision or development activity leading to the commission of acts provided in par. (1) and (3) is in itself an offense, the rules of competition offenses. (6) Criminal proceedings are initiated upon prior complaint from the injured person. **Art 197 III-treatment of minor** endangering grave measures or treatment of any kind, of the physical, mental or moral development of minors by parents or any person in whose care the minor, shall be punished with imprisonment from 3 to 7 years and prohibited from exercising certain rights. **Art 198 brawls** (1) Participation in a brawl between several persons shall be punished by imprisonment from 3 months to one year or a fine. (2) If during the scuffle caused an injury to one or more persons and it is not known of the participants produced therefore applies to all imprisonment of one to five years, except for the victim, who responds par. (1). (3) When the offenses committed by par. (2) has caused the death of a punishment is imprisonment from 6 to 12 years, and if it caused the death of two or more persons, special limits of the penalty shall be increased by one third. (4) Not be punished who was caught in brawl against his or tried to separate others.

## Chapter III - crimes committed against a family member

### Art 199 Family Violence

(1) If the deeds stipulated in art. 188, art. 189, art. 193-195 are committed against a family member, the maximum of the penalty prescribed by law shall be increased by one-fourth.

(2) If the crime stipulated in art. 193 and art. 196 committed against a family member, criminal proceedings may be instituted ex officio.

Reconciliation removes criminal liability. **Art 200 Killing or harming the newborn committed by the mother** (1)

Killing newborn baby immediately after birth but not later than 24 hours, committed by the mother in a state of mental disorder shall be punished with imprisonment of one to five years. (2) If the deeds stipulated in art. 193-195 are committed newborn child immediately after birth but not later than 24 hours by the mother in a state of mental disorder, special limits of the penalty shall be one month, respectively, 3 years.

## Chapter IV - Attacks on the fetus

### Article 201 termination of pregnancy

(1) termination of pregnancy committed in any of the following circumstances:

- a) outside medical institutions or medical offices authorized for this purpose;
- b) by a person who is not a specialist physician obstetrics and freedom gynecology medical practice in this specialty,
- c) if pregnancy has exceeded fourteen weeks old, is punished with imprisonment from 6 months to 3 years or a fine and prohibited from exercising certain rights.

(2) termination of pregnancy, committed in any circumstances, without the consent of the pregnant woman, shall be punished with imprisonment from 2 to 7 years and prohibited from exercising certain rights.

(3) If the acts in para. (1) and (2) to cause a pregnant woman harm the punishment is imprisonment from 3 to 10 years

and the prohibition of exercising certain rights, and if the offense resulted in the death of the pregnant woman, the punishment is imprisonment from 6-12 years prohibited from exercising certain rights.

(4) When the acts were committed by a doctor, besides imprisonment will apply and prohibit the exercise of the medical profession.

(5) Attempts to the offenses provided in par. (1) and (2) shall be punished.

(6) Not a crime in therapeutic termination of pregnancy performed by a medical specialist obstetrics and gynecology, pregnancy until the age of twenty-four weeks, or subsequent termination of pregnancy, therapeutic purposes in the interest of the mother or the fetus.

(7) No pregnant woman who is punished interrupt pregnancy. **Art 202 Vatamarea fetus** (1) Personal fetus during birth, which prevented the onset of extrauterine life shall be punished with imprisonment for 3-7 years. (2) Personal fetus during birth, causing the child after an injury, shall be punished by imprisonment of one to five years, and if a child resulted in the death penalty is imprisonment from 2 to 7 years. (3) Personal fetus during pregnancy, which was caused after a child injury, shall be punished with imprisonment from 3 months to 2 years, and if a child resulted in the death penalty is imprisonment from 6 months to 3 years. (4) Personal fetus during childbirth committed by the mother in a state of mental disorder, shall be punished with the punishment provided in par. (1) and (2) whose limits are reduced by half. (5) If the acts in para. (1) - (4) were intentionally committed special penalty limits are reduced by half. (6) Do not be an offense under paragraph facts. (1) - (3) committed by a doctor or a person authorized to pursue the birth or pregnancy if they were committed in the course of care, in compliance with the profession and were made in the interests of the pregnant woman or the fetus, due to the risk inherent in the exercise of care. (7) Personal fetus during pregnancy, while pregnant, not punished.

## Chapter V - CRIMES ON THE OBLIGATION OF ASSISTANCE IN DISTRESS

### Article 203 Leaving without help a person in need

(1) Failure to give the necessary help or to immediately notify the authorities who found a person whose life, physical integrity or health is at risk and has possible to save, shall be punished with imprisonment from three months to one year or a fine.

(2) The act is not an offense if, by granting the author would be exposed to a serious danger to the life, physical integrity or health. **Art 204 Hindering Aid** Preventing aid intervention to rescue people from imminent and serious danger to life or health thereof, shall be punished with imprisonment of one to three years or a fine.

## Chapter VI - Offences against personal liberty

### Article 205 Deprivation of liberty unlawfully

(1) The deprivation of liberty of a person unlawfully punished with imprisonment of one to seven years.

(2) consider confinement and abduction of a person unable to and or to express will occur.

(3) If the offense is committed

a) by an armed person,

b) of a minor,

c) endangering the health or life of the victim, the penalty is imprisonment between 3 and 10 years.

(4) If the offense resulted in the death of the victim, the penalty is imprisonment from 7 to 15 years and the prohibition of the exercise of rights.

(5) Attempts to the offenses provided in par. (1) - (3) shall be punished. **Art 206 Threat** (1) The act of threatening a person with a crime or an act directed against him or damaging another person, whether he is likely to produce a state of fear, shall be punished with imprisonment from 3 months to year or a fine without the penalty imposed can not exceed the penalty prescribed by law for the offense which was the object of threat. (2) Criminal proceedings are initiated upon prior complaint from the injured person. **Art 207 Blackmail** (1) compulsion to give, to do, not to do or suffer anything in order to acquire the use patrimonial unjustly, for himself or for another, shall be punished with imprisonment of one to five years . (2) The same punishment applies revelation threat of a real or imaginary, compromising the person threatened or to a family member thereof, in order to in para. (1). (3) If the acts in para.(1) and (2) have been committed in order to acquire a patrimony unjustly, for himself or for another, the punishment is imprisonment from 2 to 7 years. **Art 208 Harassment** (1) The act of one who, repeatedly follows, without right or without a legitimate interest, person or she oversees a home, work or other places frequented by it, thus causing a state of fear, shall be punished with imprisonment from 3 to 6 months or fine. (2) phone calls or communications by means of transmission distance, which by frequent or content, I fear causes a person shall be punished with imprisonment one month to three months or a fine, if the act does not constitute a more serious offense. (3) Criminal proceedings are initiated upon prior complaint from the injured person.

## Chapter VII - TRAFFICKING AND EXPLOITATION OF VULNERABLE

### Slavery Article 209

Placing or holding a person in slavery and the slave trade shall be punished with imprisonment from 3 to 10 years and the prohibition of the exercise of rights. **Art 210 Trafficking in Persons** (1) The recruitment, transportation, transfer,

harboring or receipt of persons for the purpose of exploitation shall be committed: a) by coercion, kidnapping, mislead or abuse of authority, b) taking advantage of the inability to defend or to express the will or the state particularly vulnerable to that person, c) the offering, giving or receiving money or other benefits in exchange for consent of the person who has authority over that person, shall be punished with imprisonment from 3 to 10 years and the prohibition of the exercise of rights. (2) trafficking victim's consent is not because of evidence. **Art 211 child trafficking** (1) The recruitment, transportation, transfer, harboring or receipt of a child, in order to exploit it, is punished with imprisonment from 3 to 10 years and the prohibition of the exercise of rights. (2) If the offense was committed in conditions art. 210 para. (1), the punishment is imprisonment from 5 to 12 years and the prohibition of the exercise of rights. (3) trafficking victim's consent is not because of evidence. **Art 212 Submission to forced or compulsory labor** act of subjecting a person in circumstances other than those prescribed by law, to perform a work against his or her compulsory labor shall be punished with imprisonment of one to three years. **Art Pimping 213** (1) causing or aiding practicing prostitution or obtaining economic benefits from the practice of prostitution by one or more persons shall be punished with imprisonment from 2 to 7 years and prohibited from exercising certain rights. (2) if determine the commencement or continuation of practicing prostitution was achieved by coercion, punishment is imprisonment from 3 to 10 years and the prohibition of the exercise of rights. (3) If the offenses were committed against a minor, special limits shall be increased by half penalty. (4) By practicing prostitution means the maintenance of sex with different people in order to obtain economic benefit for oneself or for another. **Art 214 Operation begging** (1) Any person who cause a minor or a person with physical or mental disabilities to repeatedly call public charity for help material, or benefit from economic benefits from such activities, shall be punished with imprisonment from 6 months to 3 years or a fine. (2) If the offense is committed in the following circumstances: a) the parent, guardian or caretaker to the person who begs, b) constraint, the penalty is imprisonment from one to five years. **Art 215 The use of a minor for begging** major act which has the ability to work, repeatedly calling public charity for help material, using for this purpose the presence of a minor, shall be punished with imprisonment from 3 months to 2 years or a fine. **Art 216 Using the services of a run** deed to use the services provided in art. 182, provided by a person whom the recipient knows that the victim of human trafficking or child trafficking is punished with imprisonment from 6 months to 3 years or a fine, if the act does not constitute a more serious offense. **Art 217 Punishment of attempts** attempt to offenses covered in art. 209-211 and art. 213 para. (2) is punishable.

## Chapter VIII - Offences against freedom and sexual integrity

### Rape Article 218

(1) Sexual intercourse, oral or anal intercourse with a person committed through coercion, commissioning unable to defend themselves or to express their will, or taking advantage of this state, shall be punished with imprisonment 3 to 10 years and the prohibition of the exercise of rights.

(2) The same punishment is any act of vaginal or anal penetration committed to par. (1).

(3) The punishment shall be imprisonment from 5 to 12 years and the prohibition of the exercise of rights when:

- a) the victim was in the care, protection, education, protection and treatment of the perpetrator,
- b) the victim's relatives in direct line, brother or sister,
- c) the victim has reached the age of 16;
- d) the offense was committed in the production of pornographic materials,
- e) act resulted in injury.
- f) the offense was committed by two or more persons together.

(4) If the offense resulted in the death of the victim, the penalty is imprisonment from 7 to 18 years and the prohibition of the exercise of rights.

(5) prosecution for acts described in par. (1) and (2) shall be initiated upon complaint of the injured.

(6) Attempt to offenses provided in par. (1) - (3) shall be punished. **Art 219 sexual assault** (1) sexual act other than those stipulated in art. 218, a person committed through coercion, commissioning unable to defend themselves or to express their will, often taking advantage of this state, shall be punished with imprisonment from 2 to 7 years and prohibited from exercising certain rights. (2) Punishment is imprisonment from 3 to 10 years and the prohibition of the exercise of rights when:

- a) the victim was in the care, protection, education, protection and treatment of the perpetrator,
  - b) the victim's relatives in direct line, brother or sister,
  - c) victim reached the age of 16;
  - d) the offense was committed for the purpose of producing pornography,
  - e) act resulted in personal injury
  - f) the offense was committed by two or more people together.
- (3) If the offense resulted in death of the victim, the penalty is imprisonment from 7 to 15 years and the prohibition of the exercise of rights. (4) If acts of sexual assault were preceded or followed by committing sexual acts stipulated in art. 218 para. (1) and (2) the act is rape. (5) prosecution for acts described in par. (1) is initiated upon complaint of the injured. (6) Attempt to offenses provided in par. (1) and (2) shall be punished. **Art 220 Sexual intercourse with a minor**

(1) Sexual intercourse, oral or anal intercourse and other acts committed vaginal or anal penetration with a minor aged between 13 and 15 years shall be punished with imprisonment of one to five years. (2) The act in para. (1) committed against a minor who has not reached age 13 shall be punished with imprisonment from 2 to 7 years and prohibited from exercising certain rights. (3) The act in para. (1) The major with a minor aged between 13 and 18 years, when majority of abused their authority or influence over the victim, shall be punished with imprisonment from 2 to 7 years and prohibited from exercising certain rights. (4) The act provided in par. (1) - (3) shall be punished with imprisonment from 3 to 10 years and the prohibition of the exercise of rights when: a) the minor is relative in direct line, brother or sister, b) the minor is in the care, protection, education, protection and treatment of the perpetrator, c) was committed in the production of pornographic materials. (5) acts in para. (1) and (2) shall not be punished if the age difference does not exceed 3 years. **Art 221 sexual corruption of minors** (1) Committing a sexual act other than that

stipulated in art. 220, against a minor who has not reached 13 years, and to determine the child support or to perform such an act, shall be punished with imprisonment of one to five years. (2) The punishment shall be imprisonment from 2 to 7 years prohibited from exercising certain rights when: a) the minor is relative in direct line, brother or sister, b) the child is in the care, protection, education, protection and treatment of the perpetrator, c) the offense was committed in the production of pornographic materials. (3) The sex of any nature committed by an adult in the presence of a minor who has not reached age 13 shall be punished with imprisonment from 6 months to 2 years or a fine. (4) Determination by a major a minor who has not attained the age of 13 to assist in the commission of acts of nature shows or performances exhibitionist times during which they commit sexual acts of any kind, and making available pornographic material is punishable by imprisonment 3 months to one year or a fine. (5) acts in para. (1) is not penalized if the age difference does not exceed 3 years. **Art 222 recruitment of minors for sexual purposes** major act of the person you suggest a minor who has not attained the age of 13 years to meet the purpose of committing an act contemplated in art. 220 or 221 including when the proposal was made by means of transmission distance, shall be punished with imprisonment from one month to one year or a fine. **Art.223 Sexual Harassment** (1) repeatedly solicitation of sexual favors in within an employment relationship or similar relationships, whether through the victim was intimidated or put in a humiliating situation, is punished with imprisonment from three months to one year or a fine. (2) Criminal proceedings are initiated the complaint of the injured.

## Chapter IX - offenses which affect home and privacy

### Article 224 Trespassing

(1) Unauthorized entry, in any manner, in a house, room, premises or place surrounded by them taking without consent of the person who uses them, or refusal to leave upon request, be punished by imprisonment from 3 months to 2 years or a fine.

(2) If the act is committed by an armed person during the night or by the use of false qualities, the penalty is imprisonment from 6 months to 3 years or fine.

(3) Criminal proceedings are initiated upon prior complaint from the injured person. **Art 225 Violation of professional office** (1) Unauthorized entry, in any way, in any premises where a person or legal entity operates professional or refusal to leave at the request of the entitled person, shall be punished with imprisonment for 3 months they 2 years or a fine. (2) If the act is committed by an armed person during the night or by the use of false qualities, the punishment is imprisonment from 6 months to 3 years or a fine. (3) Criminal proceedings shall initiated upon complaint of the injured. **Art 226 Invasion of privacy** (1) violations of privacy, no right, by photographing, capturing images or recording, listening with technical or audio recording of a person in a house or room or outbuilding taking it, or private conversation, is punished with imprisonment from one month to six months or a fine. (2) disclosure, dissemination, presentation or transmission, without right, sounds, or images in para. (1) to another person or the public, shall be punished with imprisonment from 3 months to 2 years or a fine. (3) Criminal proceedings are initiated upon prior complaint from the injured person. (4) An act committed: a) by the who attended the meeting with the injured person who was captured in the sounds, conversations and pictures, if legitimate interest, b) whether the injured person acted explicit intention of being seen or heard by the perpetrator;c) If the perpetrator surprise contribute to a crime or committing a crime proof, d) if surprised public that have significance for community life and public disclosure of which has advantages greater than the damage caused to the injured person (5) Placing without law means audio or video recording techniques, the purpose of committing acts in para. (1) and (2) shall be punished with imprisonment for 1-5 years. **Art 227 Disclosure secrecy** (1) Disclosure without law, data or information regarding the privacy of a person likely to cause prejudice to a person by one who has learned about them by virtue of profession or function and has bound to confidentiality with respect to such data, shall be punished with imprisonment from 3 months to 3 years or a fine. (2) Criminal proceedings are initiated upon prior complaint from the injured person.

## Title II - CRIMES AGAINST PROPERTY

### Chapter I - THEFT

#### 228 Art Theft

(1) Taking a movable possession or detention of another, without his consent, in order to misappropriation and it shall be punished with imprisonment from 6 months to 3 years or a fine.

(2) The act is theft and if the property belongs entirely or in part of the offender, but when committing the good that was in the legitimate possession or detention of another person.

(3) is considered movable and writings, electricity, and any other energy that has economic value. **Art 229 degree theft** (1) theft committed in the following circumstances: a) a means of transportation, b) at night, c) by a person masked or disguised disguised, d) burglary, escalation or unauthorized use keys as a true or a false key, e) through disabling the alarm system or surveillance, shall be punished with imprisonment of one to five years. (2) If the theft was committed in the following circumstances: a) on a good part of the cultural heritage, b) trespassing or professional office, c) by a person with a gun on him, the punishment is imprisonment from 2 to 7 years. (3) Theft on the following goods : a) crude oil, gasoline, condensate, liquid ethane, gasoline, diesel and other petroleum products or natural gas pipelines, storage tanks, or tank wagon, b) components of irrigation systems, c) components of electrical networks, d) a device or a system of signaling, alarm or alert in case of fire or other public emergency, e) a means of transport or other means of intervention

in fire, railway accidents, road, sea or air, or disaster, f) security installations and railway traffic control, road, water, air and components, and components of vehicles involved; g) by acquiring assets which are threatening the safety of traffic and persons road, h) cables, lines, telecommunications equipment, radio and communications components shall be punished with imprisonment from 3 to 10 years. **Art 230 Theft purpose of use** (1) Theft of a vehicle which seeks committed in order to use wrongly, shall be punished with the punishment provided in art. 228 and art. 229, as appropriate, whose special limits are reduced by a third. (2) The penalty in para. (1) is punishable unauthorized use of a communications terminal of another or using a communication terminal connected to a network without right, if there was a loss. **Art231 Punishment for theft prior complaint** facts provided in this chapter, committed between family members by a guardian or the minor damage to the injured person who lives with or is it hosted punished only complaint of the injured . **Article 232 Punishment of attempts** attempt to offenses punishable under this chapter.

## Chapter II - robbery and piracy

### Article 233 robbery

Theft by use of violence or threats, or by putting the victim unconscious or helpless to defend and theft followed by use of such means for keeping stolen property or to remove traces of the crime, or to the perpetrator to secure escape, shall be punished with imprisonment from 2 to 7 years and prohibited from exercising certain rights. **Art234 armed robbery** (1) robbery committed in the following circumstances: a) the use of weapons or explosives, narcotics or stun, b) by simulating an official capacity c) by a person masked or disguised, d) during the night, e) a means of transport or on a means of transport, f) trespassing or professional office, shall be punished with imprisonment from 3 to 10 years and the prohibition of the exercise of rights. (2) robbery committed in terms of art. 229 para. (3) shall be punished with imprisonment from 5 to 12 years. (3) The same punishment is sanctioned robbery that resulted in injury. **Art 235 Piracy** (1) Theft committed with violence or threats by a person belonging to the crew or the passengers of a ship in high seas of goods that are on that ship or another ship shall be punished with imprisonment 3 to 15 years and prohibited from exercising certain rights. (2) The penalty in para. (1) shall be sanctioned and capture a ship in high seas or fact to cause, by any means, sinking or stranding, for the purpose to assimilate its cargo thieves or persons on board. (3) If piracy resulted in injury, the punishment is imprisonment from 5 to 15 years and the prohibition of the exercise of rights. (4) There piracy and if offense was committed on an aircraft or between aircraft and ships. **Art 236 robbery or piracy followed by death of the victim** if the facts mentioned in art. 233-235 resulted in the victim's death penalty is imprisonment from 7 to 18 years and the prohibition of the exercise of rights. **Art 237 Punishment of attempts** attempt to offenses provided in art.233 - 235 shall be punished.

## Chapter III - CRIMES AGAINST PROPERTY TRUST by disregarding

### Article 238 breach of trust

(1) ownership, disposition or use, wrongly, a movable of another, by one who has been entrusted under a title and a particular purpose, or refusal to refund, shall be punished with imprisonment from 3 months to 2 years or a fine. (2) Criminal proceedings are initiated upon prior complaint from the injured person. **Art 239 breach of trust by defrauding creditors** (1) The act of the debtor to dispose of, conceal, damage or destroy, in whole or in part, of heritage values or goods or to claim fictitious acts or debts in order defrauding creditors shall be punished with imprisonment 6 months to 3 years or a fine. (2) The same punishment is sanctioned act of a person who, knowing he would not be able to pay, purchase goods or services causing a loss creditor. (3) Criminal action is initiated upon prior complaint the injured person. **Art 240 Simple bankruptcy** (1) Failure or late introduction of the debtor is an individual or legal person, the legal representative of the debtor, the application for opening insolvency proceedings within a period exceeding more than 6 months period stipulated by law from occurrence of insolvency shall be punished with imprisonment from three months to one year or a fine. (2) Criminal proceedings are initiated upon prior complaint from the injured person. **Art 241 fraudulent bankruptcy** (1) Any person who, in fraud of creditors: a) forge, steal or destroy records of the debtor or hide a part of its property assets, b) depicts debt debtor registers absent or present in, or otherwise act in the financial amounts unduly paid, c) alienates, in case of insolvency of the debtor, some assets, is punished with imprisonment from 6 months to 5 years. (2) Criminal proceedings are initiated upon prior complaint from the injured person. **Art 242 fraudulent management** (1) The infliction of damage to a person with management or conservation at their property, by one who has or must care management or conservation of such goods shall be punished with imprisonment from 6 months to 3 years or a fine. (2) When the offense provided in par. (1) has been committed by the receiver, the liquidator of the debtor or of a representative or representative thereof, the penalty is imprisonment from 1 to 5 years. (3) acts in para. (1) and (2) committed in order to acquire a patrimony shall be punished with imprisonment for 2-7 years. (4) Criminal proceedings are initiated upon prior complaint from the injured person. **Art Learning good 243 error found or reached the perpetrator** (1) failing to deliver within 10 days or authorities found a good man who has lost, or has that good as of and shall be punished by imprisonment from one month to three months or a fine. (2) The same punishment is applied and misappropriation of property belonging to another phone, or error caught by chance in possession of the perpetrator, or its non-delivery within 10 days when he knew that the property does not belong. (3) Reconciliation removes criminal

liability. **Art 244 Deceit** (1) Misleading a person by presenting false facts as true a false or a true fact, in order to obtain for himself or for another use unjust and if its caused patrimonial damages, shall be punished with imprisonment from 6 months to 3 years. (2) Cheating committed using false names or qualities or other fraudulent means, shall be punished with imprisonment of one to five years. If fraudulent means is by itself an offense, the rules of competition offenses. (3) Reconciliation removes criminal liability. **Art 245 Cheating on insurance** (1) Destroying, damaging, bringing in an unusable state, concealment or transfer of property insured against destruction, degradation, wear, loss or theft in order to obtain for himself or for another, the sum insured is punished with imprisonment of one to five years. (2) Any person who, in order specified in the preceding paragraph, simulate, its causes or aggravates damage or injury caused by an insured risk, shall be punished with imprisonment from 6 months to 3 years or a fine. (3) Reconciliation removes criminal liability. **Art246 Diversion of public auctions** act of removing, by coercion or corruption, a participant at a public auction or understanding between participants to distort the price of adjudication shall be punished with imprisonment of one to five years. **Art 247 Patrimonial exploitation of vulnerable people** (1) the creditor's action, when commissioning a loan of money or property, taking advantage of the debtor's state particularly vulnerable due to age, health, infirmity or dependent relationship in which the debtor learn from him makes it constitutes or transmit, for himself or for another, a real right or claim manifestly disproportionate to value this benefit, shall be punished with imprisonment of one to five years. (2) Making a particularly vulnerable people in the state by causing a poisoning with alcohol or psychoactive substances in order to induce consent to the creation or transfer of a real right or claim or to give up a right, if there was a loss, shall be punished with imprisonment 2 to 7. **Art 248 Punishment of attempts** attempt to offenses covered in art. 239 para. (1), art. 241 and art. 244-247 punished.

#### Chapter IV - FRAUD committed through computer systems and electronic means of payment

##### Art 249 Computer Fraud

, changing or deleting computer data, restricting access to such data or hindering in any way the operation of a computer system, in order to obtain a benefit for himself or another, whether it caused a loss of person shall be punished with imprisonment for 2-7 years. **Art 250 Performing financial operations fraudulently** (1) Making a cash withdrawal operations, loading or unloading of an electronic money instrument or funds transfer by using without consent of the owner of an electronic payment instrument, or identification data that allow its use, shall be punished with imprisonment for 2-7 years. (2) The same punishment applies performing one of the operations referred to in para. (1) the unauthorized use of any identification data or by using false identification data. (3) unauthorized transmission to another person any identification data in order to perform any of the operations provided in par. (1) shall be punished with imprisonment of one to five years. **Art 251 Acceptance of financial operations fraudulently**(1) Accepting a cash withdrawal operations, loading or unloading of electronic money instrument or funds transfer, knowing that it is performed by using an electronic payment instrument forged or used without consent proprietor, shall be punished with imprisonment of one to five years. (2) The same punishment applies accepting one of the operations provided in par. (1) knowing that it is performed through the unauthorized use of any identification data or by using false identification data. **Art 252 Punishment of attempts** attempt to offenses punishable under this chapter.

#### Chapter V - Destruction and trespass

##### Destruction of Art 253

(1) Destroying, damaging or bringing in an unusable state of property belonging to another or taking prevention measures to conserve or save such property, and removal measures taken, shall be punished with imprisonment from three months 2 years or a fine.  
(2) Destruction of a document under private signature, belonging wholly or in part to another person, and serves to prove a patrimonial right, if thereby caused damages, shall be punished with imprisonment 6 months to 3 years or a fine.  
(3) If the act in para. (1) For goods that are part of the cultural heritage, the punishment is imprisonment from one to 5 years.  
(4) destruction, degradation or rendering disuse of a good committed by arson, explosion or any other such means, and if it is likely to endanger other persons or property, shall be punished with imprisonment for 2-7 years.  
(5) The provisions of par. (3) and (4) apply even if the property belongs to the perpetrator.  
(6) acts in para. (1) and (2) criminal proceedings are initiated upon prior complaint from the injured person.  
(7) Attempt facts provided in par. (3) and (4) shall be punished. **Art 254 qualified Destruction** (1) If the deeds stipulated in art. 253 have resulted in a disaster, the penalty is imprisonment from 7 to 15 years and the prohibition of the exercise of rights. (2) disaster lies in destruction or degradation of real estate, or of works, equipment, machinery or parts thereof and which resulted in the death or injury of two or more persons. **Art 255 Destruction of guilt** (1) Destroying, damaging or bringing in an unusable state, the fault of a good, even if it belongs to the perpetrator, if the offense is committed by arson, explosion or any other such means and if likely to endanger other persons or property, shall be punished with imprisonment from three months to one year or a fine.(2) If the facts have resulted in a disaster, the penalty is imprisonment from 5 to 12 years. **Art Trespass 256** (1) Employment in whole or in part, without the law, by violence or threat, or by dissolution or displacement boundary signs, a building in the possession of another, shall be punished with imprisonment of one to five years or fine. (2) Criminal proceedings are initiated upon prior complaint from

the injured person.

### **Title III - CRIMES AND BORDER ON THE STATE**

#### **Chapter I - CRIMES AGAINST AUTHORITY**

##### **Outrage Article 257**

(1) threat committed directly or by means of direct communication, hitting or other violent injuries, assaults or injuries causing death or murder committed against a public servant who performs a function involving the exercise of state authority, which in carrying out their duties or in connection with the exercise of those powers, shall be punished with the punishment provided by law for the offense of which special limits shall be increased by one third.

(2) an offense against a public servant who performs a function involving the exercise state authority or on its property for the purpose of intimidation or retaliation in connection with carrying out their duties, shall be punished with the punishment provided for the offense of which special limits shall be increased by one third.

(3) The same punishment deeds are sanctioned to par. (2) If watching a family member of the public servant.

(4) The Acts specified in para. (1) - (3) committed against a police officer or constable, who was of their duties or in connection with the exercise of such powers shall be punished with the punishment provided by law for that offense, whose limits are increased by half. **Art Usurpation of official 258** (1) unlawful use of formal qualities that involve the exercise of state authority, accompanied or followed the performance of any act related to that capacity, shall be punished with imprisonment from 6 months to 3 years or a fine. ( 2) The same punishment applies the act civil servant continues to exert a function that involves the exercise of state authority, after losing this right by law. (3) If the acts in para. (1) or (2) were committed by a person wears, without right, uniforms or distinguishing marks of a public authority, the punishment is imprisonment from one to 5 years. **Art 259 Theft or destruction of documents**(1) Stealing or destroying a document that is in storage or in possession of a person contemplated in art. 176 and Art. 175 para. (2) shall be punished with imprisonment of one to five years. (2) If the offense is committed by a public servant in the performance of job duties, special limits of the penalty shall be increased by one third. (3) The attempt shall be punishable . **Art Breaking the seals**

**260** (1) removal or destruction of a legal seal affixed shall be punished by imprisonment from 3 months to one year or a fine. (2) If the offense was committed by the custodian, the punishment is imprisonment from 6 months to 2 years or a fine. **Art 261 Evading seizure** (1) Theft of property that is legally impounded shall be punished by imprisonment from 3 months to one year or a fine. (2) If the offense was committed by the custodian, the punishment is imprisonment from 6 months to 2 years or a fine.

#### **Chapter II - CRIMES on state border**

##### **Article 262 illegally crossing the border**

(1) entering or leaving the country through illegal crossing of the state border of Romania shall be punished with imprisonment from 6 months to 3 years or a fine.

(2) If the act in para. (1) has been committed:

- a) in order to escape the criminal liability or the execution of a penalty or a measure educational, custodial,
- b) by a stranger who has been declared undesirable or prohibited in any way right to enter or stay in the country, the punishment is imprisonment from one to 5 years.

(3) The attempt shall be punishable.

(4) The act in para. (1) committed by a victim of trafficking or underage not punished. **Art Smuggling 263** (1) recruitment, assistance, guidance, transportation, transfer or harboring of a person for the purpose of illegal border crossing Romanian state, shall be punished with imprisonment for 2-7 years. (2) When the offense was committed:a) in order to obtain, directly or indirectly, a proprietary, b) means that endanger life or health of migrant integrity,c) by subjecting migrants to inhuman or degrading punishment is imprisonment from 3 10 years and the prohibition of the exercise of rights. (3) The attempt shall be punishable. **Art 264 Facilitating illegal stay in Romania** (1) Any person who facilitates, by any means, staying illegally on the territory of Romania of a person, the victim of a crime of human trafficking and migrant minors who has Romanian citizenship and residence in Romania, shall be punished with imprisonment of one to five years and prohibited from exercising certain rights. If the means used is by itself an offense, the rules of competition offenses. (2) When the offense was committed: a) in order to obtain, directly or indirectly, a proprietary, b) by a public found in the course of their duties, the punishment is imprisonment from 2 to 7 years and prohibited from exercising certain rights. (3) When the facts set forth in par.(1) and (2) shall be committed on another illegal aliens in Romania, special limits of the penalty is reduced by one third. **Art 265 Avoiding of removal from Romania** flight from obligations imposed by the competent authorities, the alien girl he ordered the removal from the territory of Romania, or was willing prohibition on residence, shall be punished with imprisonment 3 months to 2 years or a fine.

## Title IV - offenses against justice

### Art 266-disclosure

(1) Any person who, having obtained knowledge of the commission of an offense under the criminal law against life or resulted in death of a person, it shall immediately notify the authorities, shall be punished with imprisonment from 6 months to 2 years or a fine.

(2) failure to disclose committed by a family member is not punished.

(3) No person shall be punished prior to the initiation of criminal proceedings against a person for committing the offense nederuntate, the competent authorities about the transmitting or even after putting in the criminal action, facilitated the criminal liability of the author or the participants. **Art 267 Failure notification** (1) A civil servant who became aware of committing an offense under the criminal law in connection with the service for which it performs its duties, fails to immediately notify the prosecution bodies shall be punished by imprisonment from 3 months to 3 years or a fine. (2) When the offense is committed by negligence, the punishment shall be imprisonment from three months to one year or a fine. **Art 268 Misleading the judicial bodies** (1) The criminal complaint, made by denunciation or complaint, regarding the existence of a deed stipulated by the criminal law or in connection with the commission of such acts by one person, knowing that it is false and is punished with imprisonment from 6 months to 3 years or a fine. (2) Produce or ticiuirea false evidence in order to prove the existence of an offense under criminal law or committing it by one person, shall be punished with imprisonment one to five years. (3) No person who has committed punishable misleading the judicial bodies, if declared, before detaining, arresting or putting in criminal action against the person against whom the complaint was made or terminate or have produced evidence that pinpoints the complaint or the evidence is false. **Art 269 Foster perpetrator** (1) Helping the perpetrator in order to prevent or ingreunarii research in a criminal case, criminal responsibility, or execution of a sentence of imprisonment, shall be punished with imprisonment of one to five years or a fine. (2) The punishment inflicted promotants can not be greater than the punishment provided by law for the offense committed by the author. (3) Foster committed by a family member is not punished. **Art 270 Concealment** (1) Receiving, acquisition, processing or facilitating the capitalization of property, by a person who either knew or foresaw the actual circumstances, it comes from committing an offense under the criminal law, even without knowing the nature thereof, shall be punished with imprisonment of one to five years or a fine. (2) The punishment inflicted tainuitorului can not be greater than the punishment provided by law for the offense committed by the author. (3) Concealment committed by a family member not punished. **Art 271 obstruction of justice** (1) A person who, being warned of the consequences of his act: a) prevent, without law, criminal investigation body or the court to make, under the law, a procedural act, b) refuse to provide the criminal investigation body, court or bankruptcy judge, in whole or in part, data, information, documents or property, which had been requested explicitly in the law, in order to solve a case, shall be punished with imprisonment from 3 months to one year or a fine. (2) The provisions of paragraph. (1) shall not apply if the person prosecuted or sentenced for the offense which is the subject of criminal proceedings. **Art 272 Influencing statements** (1) Attempting to cause or determine a person, regardless of its quality, by corruption, by coercion or by other obvious effect intimidating act committed upon him or on a family member thereof, not sense organs prosecution, not to testify, to withdraw statements, to give false statements or not to give evidence in a criminal case, civil or any other judicial proceeding, shall be punished with imprisonment of one to five years. If the act of intimidation or corruption is by itself an offense, the rules of competition offenses. (2) It is an offense patrimonial understanding of offender and the injured person, interfering with the offenses for which the criminal proceedings are initiated upon prior complaint or reconciliation occurs. **Art 273 perjury** (1) The act witness who, in a criminal case, civil or any other procedure that play witnesses, make false statements, or do not say everything he knows about the facts or circumstances on which is essential asked, is punished with imprisonment from 6 months to 3 years or a fine. (2) perjury committed: a) the identity of a protected witness or found in the witness protection program, b) an undercover investigator; c) s) a person making a report of expertise or by an interpreter, d) in connection with an offense for which the law prescribes imprisonment for life or imprisonment for 10 years or more, shall be punished with imprisonment of one to five years. (3) The author is not punished if they withdraw testimony in criminal cases before the detention, arrest or criminal action in implementation or other causes before they have passed a decision or to be given another solution as a result of false testimony. **Art 274 Revenge of justice for helping** an offense against a person or a family member thereof, on the ground that the law enforcement officials seized, gave statements or evidence presented in a criminal case, civil or any other procedure those stipulated in Art.273, shall be punished with the punishment provided by law for the offense of which special limits shall be increased by one third. **Art 275 Theft or destruction of evidence or written records** (1) Theft, destruction, withholding, concealment or alteration of material means of evidence or documents, in order to obstruct truth in a judicial proceeding, shall be punished with imprisonment from 6 months to 5 years. (2) The same punishment is prevention, in any way, as a document necessary to solve the case, issued by a judicial body and sent it to reach the recipient. **Art 276 Pressure on Justice** Any person who, during a judicial proceeding, made false public statements relating to the commission, the judge or the criminal investigation of a crime or serious misconduct related to the investigation of that case, in order to influence or intimidate them, shall be punished with imprisonment from three months to one year or a fine. **Art 277 compromise the interests of justice** (1) Disclosure without law, confidential information concerning the date, time, place, manner or means by which a sample is to be administered, by a judge or other public official has acknowledged this in virtue of his position, if by this can be difficult or prevented criminal prosecution, shall be punished by imprisonment from 3 months to 2 years or a fine. (2) Disclosure without the law of evidence or official documents in a criminal case, before it has a solution to proceed to judgment or final settlement of the case by a public official who has knowledge of them in virtue of his position, is punished with imprisonment from one month to one year or a fine. (3) Disclosure without the right information in a criminal case by a witness, expert or interpreter when it is imposed by the law of criminal procedure, shall be punished with imprisonment from one month to one year or a fine. (4) An act that is disclosed or disclosed documents or clearly illegal activities committed by the authorities in a criminal case. **Art 278 Violation of solemnity session** uses offensive words or gestures or obscene, likely to disrupt court, by a person participating or assisting in a procedure that takes place in court, shall be punished with imprisonment from one month to 3 months fine. **Art 279 Outrage judiciary** (1) threat, hitting or other violent injuries, assaults or injuries causing death or murder, committed against a

judge or prosecutor learned in carrying out their duties, shall be punished with the punishment provided by law for the offense of which special limits shall be increased by half. (2) an offense against a judge or prosecutor or against its assets, the purpose of intimidation or retaliation in connection with carrying out their duties, shall be punished with the punishment provided for the offense of whose special limits shall be increased by half. (3) The same punishment applies to par deeds. (2) When watching a family member of a judge or prosecutor. (4) The provisions of par. (1) - (3) is applied properly and acts committed against a lawyer in connection with the profession. **Art Abusive Research 280** (1) The use of promises, threats or violence against a person prosecuted or tried in a criminal case by the criminal investigation body, a prosecutor or a judge, to cause it to give or not to give statements to give false statements or to withdraw statements, shall be punished with imprisonment from 2 to 7 years and deprivation of the right to hold public office. (2) The same punishment is sanctioned production, forgery or false evidence ticluirea by a Criminal investigators, a prosecutor or a judge. **Art 281 Submission to mistreatment** (1) Submission of a person in execution of a sentence, or educational safeguards otherwise than provided for by law, shall be punished with imprisonment from 6 months to 3 years deprivation of the right to occupy a public function. (2) Submission to inhuman or degrading treatment of persons in a state of arrest, detention or in execution of a security or educational measures, deprivation of liberty, shall be punished with imprisonment of one to five years and the prohibition of exercising the right to hold public office. **Art 282 Torture** (1) The act civil servant who performs a function involving the exercise of state authority, or other person acting at the instigation of or with the express or tacit consent of its people to cause a strong physical or mental suffering: a) in order to obtain from that person or a third person information or statements, b) in order to punish her for an act he or a third person has committed or is suspected of having committed, c) in order to intimidate or to put pressure on it or to intimidate or pressure on a third person, d) a reason based on discrimination of any kind shall be punished with imprisonment from 2 to 7 years and prohibited from exercising certain rights. (2) If the act in para. (1) resulted in an injury, the punishment is imprisonment from 3 to 10 years and the prohibition of the exercise of rights. (3) torture that resulted in death of the victim is punished with imprisonment from 15 to 25 years and the prohibition exercise certain rights. (4) Attempt to offenses under par. (1) is punishable. (5) No exceptional circumstances, whatever it may be, whether it's the state of war or threat of war, internal political instability or any other state of exception can not be invoked to justify torture. It also can not be invoked or an order of the superior authorities. (6) Do not constitute torture pain or suffering arising only from legal penalties and sanctions that are inherent in or incidental to. **Art 283 unjust repression** (1) The act of putting the criminal action, taking a non-custodial preventive measure or to prosecute a person, knowing that he is innocent, is punished with imprisonment from 3 months to 3 years deprivation of the right to hold public office. (2) The detention or arrest or conviction of a person, knowing that he is innocent, is punished with imprisonment from 3 to 10 years and deprivation of the right to hold public office. **Art 284 Assistance and unfair representation** (1) The act lawyer or representative of a person in fraudulent deal with a person with competing interests in the same case, in a judicial or notary or other person harm the client's interests represented, shall be punished with imprisonment from 3 months to one year or a fine. (2) The same punishment applies fraudulent understanding between lawyer or representative of a person and an interested third party solution that will rule in the case, in order to Injury client's interests or of the person represented. (3) Criminal proceedings are initiated upon prior complaint from the injured person. **Art 285 Escape** (1) Escape from retaining legal status or ownership shall be punished with imprisonment from 6 months to 3 years. (2) When the escape is accomplished by the use of violence or weapons, the punishment is imprisonment from one to 5 years prohibited from exercising certain rights. (3) consider escape: a) unjustified failure of the convicted person, the place of detention, the period that was legal at large, b) leaving without authorization by the person convicted, work place, located outside of the detention. (4) The penalty imposed for the crime of escape is added to the rest of the sentence was not executed on escaping. (5) Attempts to the offenses provided in par. (1) and (2) shall be punished. **Art 286 Aiding escape** (1) Aiding by any means of escape shall be punished with imprisonment of one to five years. (2) Aiding escape: a) committed by use of violence, weapons, drugs or stun, b) of two or many people in the same circumstance, c) a person detained or arrested for an offense punishable by law with imprisonment for life or with imprisonment of 10 years or more, or condemned to such penalty, shall be punished with imprisonment from 2 7 years and prohibited from exercising certain rights. (3) If the acts in para. (1) and (2) is committed by a person who had the duty of guarding the man arrested or detained, special limits of the penalty shall be increased by a third. (4) Aiding escape, intentionally committed by a person who had a duty to guard the one who escaped, shall be punished with imprisonment from 3 months to 2 years. (5) Attempts to the offenses provided in par. (1) - (3) shall be punished. **Art 287 Non-compliance with court orders** (1) Violation of a court order committed by: a) resisting enforcement by resistance to the execution body, b) refusal of enforcement authority to enforce a judgment, which is bound to perform a certain act, c) refusing to support the enforcement body in implementing the decision, by people who have this obligation by law, d) non-enforcement, ordering the reinstatement of an employee at work, e) non- court decision on wages within 15 days of the request for enforcement to the employer by the interested party, f) failure judgments establishing payment, updating and recalculation; g) preventing a person to use, in whole or in part, a property held under a court order, by one who is opposable decision, shall be punished by imprisonment from 3 months to 2 years or a fine. (2) If the facts mentioned in letter. d) - g) criminal proceedings are initiated upon prior complaint from the injured person. **Art 288 Failure to criminal sanctions** (1) flight from the law enforcement or non-enforcement of a penalty or additional accessories or safety measure provided in art. 108 lit. b) and c) by the individual to which these sanctions were willing, shall be punished with imprisonment from 3 months to 2 years or a fine, if the act does not constitute a more serious offense. (2) Avoiding execution of a custodial educational measures by desertion as educational center or detention center, or through failure after the period has been legal in custody, shall be punished with imprisonment from three months to one year or with fine . (3) Failure of the trustee or administrator, alternative sanctions imposed on a legal person of those stipulated in art. 141 shall be punished by a fine.

## Title V - corruption offenses and service

## Chapter I - corruption offenses

### Bribery Article 289

(1) The act civil servant who, directly or indirectly, for himself or for another, claims or receives money or other benefits not due to him, or accepts a promise of such benefits in connection with fulfillment, failure or delay in fulfilling an act falling within the duties of his office, or in connection with the performance of an act contrary to these duties, shall be punished with imprisonment from 2 to 7 years and deprivation of the right to hold public office or to practice or work in the execution of his action.

(2) The act in para. (1) committed by one of the persons shown in art. 175 para. (2) an offense only when committed in connection with the failure, delay fulfilling a legal act concerning his duties or in connection with performing an act contrary to these duties.

(3) The money, valuables or other property received is subject seizure, and when they can not be found, the confiscation by equivalent. **Art 290 bribery** (1) Promising, offering or giving money or other benefits, in the conditions of the art. 289, shall be punished with imprisonment for 2-7 years. (2) The act in para. (1) is not an offense when the briber was coerced by any means by the person taking the bribe. (3) The briber is not punished if denounce deed before the criminal investigation have been informed about it. (4) The money, valuables or other property data is returned to the person who gave them, if they were given in the case provided for in paragraph . (2) or by denunciation given in para. (3). (5) The money, values or any other offer or data are subject to seizure, and when they can not be found, the confiscation by equivalent .. **Art 291 Traffic of influence** (1) The solicitation, receiving or accepting the promise of money or other benefits, directly or indirectly, for himself or for another, committed by a person who has influence or to suggest that it has an influence on a public servant and promising that he would cause them to meet, do not meet, to expedite or delay the performance of an act that enters the duties of his office or to perform an act contrary to these duties, shall be punished with imprisonment from 2 to 7 years. (2) The money, valuables or other property received shall be subject to seizure, and when they can not be found, the confiscation by equivalent. **Art 292 buying influence** (1) Promising, offering or giving money or other benefits, directly or indirectly, a person who has influence or to suggest that it has an influence on a public official in order to induce him to perform, not meet, to expedite or delay the performance of an act that enters the duties of his office or to perform an act contrary to these duties, shall be punished with imprisonment from 2 to 7 years and prohibited from exercising certain rights. (2) The perpetrator shall not be punished if denounce deed before the criminal investigation have been notified about it. (3) Money or other property values are returned to the person who gave them if they were given after denunciation in para. (2) . (4) The money, values or any other information or goods offered are subject to seizure, and if they can not be found confiscation by equivalent. **Art 293 acts committed by members of courts of arbitration or in connection with these** provisions of art. 289 and 290 are applied properly and people, based on an arbitration agreement are called upon to take a decision on a dispute that is given to them for settlement by the parties to this Agreement, whether arbitral proceedings be conducted in the Roman law or under any other law. **Art 294 acts committed by foreign officials or in connection with these** provisions of this Chapter shall apply in respect of the following persons, if, by international treaties to which Romania is a party, not otherwise specified: a) Officials or individuals who work on a labor contract or other persons who perform similar duties in a public international organization to which Romania is a party b) members of parliamentary assemblies of international organizations to which Romania is a party c) officers or persons who work under a contract work or other persons who perform similar duties in the European Communities, d) persons exercising judicial functions in international courts whose jurisdiction is accepted by Romania, as well as officials from the grafts of these instances, e) officials of a foreign state; f ) members of parliamentary assemblies of a foreign state or administrative.

## Chapter II - CRIMES OF SERVICE

### Embezzlement Art 295

(1) The ownership, use or trafficking, by a public servant in his interest or for another, money, securities or other assets that management or administration, shall be punished with imprisonment from 2 to 7 years and deprivation of the right to hold public office.

(2) The attempt shall be punishable. **Art 296 abusive behavior** (1) The use of offensive language against a person by the learned in the course of their duties, shall be punished with imprisonment from one month to six months or a fine. (2) Threatening or hitting or other violence perpetrated according to par. (1) shall be punishable with the punishment provided by law for the offense of which special limits shall be increased by one third. **Art 297 abuse of office** (1) The act civil servant in the course of their duties, act or it does not meet fulfills faulty and thereby causes damage or harm to the rights or interests of a person or of a person legal, shall be punished with imprisonment from 2 to 7 years and deprivation of the right to hold public office. (2) The same punishment applies and act civil servant in the course of their duties, restricts the exercise of a right of a person or create for it a situation of inferiority based on race, nationality, ethnic origin, language, religion, sex, sexual orientation, political affiliation, wealth, age, disability, or chronic non HIV / AIDS. **Art 298 negligence** in culpable violation, by a public servant, a job duty, or its failure to fulfill its faulty, if this causes damage or harm to the rights or interests of an individual or a legal person shall be punished by imprisonment from 3 months to 3 years or a fine. **Art 299 Misuse function for sex** (1) The act civil servant, in order to meet, do not meet, to expedite or delay the performance of an act concerning the duties of his office, or in order to do an act contrary these duties, claims or

obtain sexual favors from a person directly or indirectly from the effects of that act of service, shall be punished with imprisonment from 6 months to 3 years and deprivation of the right to hold public office or exercise profession or activity in the execution of his action. (2) requesting or obtaining sexual favors, by a public servant who avails himself or take advantage of a position of authority or superiority over the victim, resulting from its position, it punished by imprisonment from 3 months to 2 years or a fine and deprivation of the right to hold public office or to practice or work in the execution of his action. **Art 300 usurpation function** act civil servant during the service meets an act not within its remit if it occurred in one of the consequences provided for in art. 297, shall be punished with imprisonment of one to five years or a fine. **Art 301 Conflict of Interest** (1) The act civil servant in the course of their duties, to perform any act or to participate in making a decision to obtain, directly or indirectly, a heritage for himself, for her husband, for times relative to an affine degree inclusive, or another person who was in commercial relationships or work in the last 5 years, or from which it received or receives advantages of any nature shall be punished with imprisonment one to five years and deprivation of the right to hold public office. (2) The provisions of par. (1) shall not apply to the issuance, approval or endorsement of the legislation. **Art 302 Violation of secrecy of correspondence** (1) The opening, theft, destruction or retention, without right of correspondence addressed to another and without disclosing the contents of such right, even when it was sent to open or accidentally opened, it punished with imprisonment from three months to one year or a fine. (2) interception, without right, of a conversation or communication by telephone or any electronic means of communication shall be punished with imprisonment from 6 months to 3 years or fine. (3) If the deeds stipulated in par. 1 and 2 have been committed by a public official who has the legal obligation of professional secrecy and confidentiality of the information they have access, the punishment is imprisonment from one to five years and interdiction of certain rights. (4) The disclosure, dissemination, presentation, or transmission to another person or to the public, without right, the content of conversations or communications intercepted, even if the perpetrator has acknowledged this by mistake or accident, shall be punished by imprisonment from 3 months to 2 years or fine. (5) An act committed: a) if the author captures a crime or help prove committing a crime, b) if surprised public that have significance for community life and whose disclosure has advantages larger public than the damage caused to the person injured.(6) Criminal proceedings are initiated upon prior complaint from the injured person. **Art 303 Disclosure of state secrets** (1) Disclosure without right of state secret information, by one who knows thanks tasks, if this interests are affected by a legal person of those stipulated in Article 176 is punished with imprisonment from 2 to 7 years and prohibited from exercising certain rights. (2) Owing, without right, except duties, a document containing information state secrets can affect the activity of one of the legal entities referred to in article . 176, shall be punished with imprisonment for 3 months 2 years or a fine. (3) A person who holds a document containing the state secret information, which may affect the activity of one of the legal entities mentioned in art. 176, if not punished immediately handed over the body or institution issuing the document. **Art 304 Revealing secrets or non-public information** (1) Disclosure without right of secrets or information that is not meant for the public, by one who knows thanks tasks, if it is affected by a person's interests or activity shall be punished by imprisonment from 3 months to 3 years or a fine. (2) disclosure, without right, of secrets or information that is not meant for the public, by one who has knowledge thereof, shall be punished with imprisonment from one month to one year or a fine. (3) If, following the act in para. (1) and (2) has committed an offense against the undercover investigator, a protected witness or person included in the protection program witnesses, the punishment is imprisonment from 2 to 7 years, and if you commit a crime against life intentionally, the penalty is imprisonment from 5 to 12 years. **Art 305 Negligence in keeping information** (1) negligence which results in destruction, alteration, loss or theft of documents containing state secrets and negligence which occasioned another person finding such information, shall be punished with imprisonment from three months one year or a fine. (2) The same punishment applies deeds stipulated in art. 303 para. (1) and Art. 304 if committed by negligence. **Art 306 illegally obtaining funds** (1) use or production of documents or false, inaccurate or incomplete, or guarantee for receiving necessary approvals obtained or secured grant funding from public funds, if it results in falsely obtaining these funds, shall be punished with imprisonment from 2 to 7 years. (2) The attempt shall be punishable. **Art 307 Diversion of funds** (1) changing the destination of money or material resources allocated to public authorities or public institutions without legal provisions, shall be punished with imprisonment of one to five years. (2) The same punishment applies and change without observance of legal provisions, the destination of funds from financing obtained or guaranteed by public funds. (3) The attempt shall be punishable. **Art 308 corruption offenses and committed service to others** (1) The provisions of art. 289-292, 297-301 concerning public officials apply accordingly to acts committed by or in relation to persons who exercise permanent or temporary, with or without remuneration, an assignment of any nature in the service of individuals of those stipulated in art. 175 para. (2) or under any legal. (2) In this case, special limits of punishment is reduced by a third **Art 309 Acts which produced serious consequences** if the facts mentioned in art.295, 297, 298, 300, 303, 304, 306 or 307 caused serious consequences, special limits of the punishment prescribed by law shall be increased by half.

## Title VI - forgery

### Chapter I - Counterfeit coins, stamps or other values

### **Counterfeiting Art 310**

(1) counterfeit currency with legal tender value shall be punished by imprisonment from 3 to 10 years and the prohibition of the exercise of rights.

(2) The same punishment applies for forging coins, issued by the competent authority before the movement of its official release.

(3) The attempt shall be punishable. **Art 311 Forgery of debt securities or instruments of payment** (1) forging bonds, securities or instruments for making payments, or any other securities or similar securities, shall be punished with imprisonment from 2 to 7 years and the prohibition of the exercise of rights. (2) If the act in para. (1) concerns an electronic payment instrument, the punishment is imprisonment from 3 to 10 years and the prohibition of the exercise of rights. (3) The attempt shall be punishable. **Art 312 Forgery of stamps or postage** (1) Forgery of stamps of any kind, stamps, envelopes, posters, postcards, or international reply coupons shall be punished with imprisonment from 6 months to 3 years or a fine. (2) The attempt shall be punished. **Art 313 circulation of counterfeit securities** (1) circulation of forged values shown in art. 310-312, and the receipt, possession or transmission, in order to put them into circulation, shall be punished with the punishment provided by law for the offense of forgery in which they were produced. (2) circulation of forged values shown in art. 310-312, committed by the author or participant in the crime of forgery shall be punished with the punishment provided by law for the offense of forgery in which they were produced. (3) recirculation of one of the values shown in art. 310-312, by a person who later found coming into its possession that is adulterated, shall be punished with the punishment provided by law for the crime of falsification that were produced, of which special limits are reduced by half. (4) The attempt is punishable. **Art 314 Possession of instruments for counterfeiting values in** (1) the manufacture, receipt, possession or transfer of tools and materials to serve the forgery and securities values shown in art. 310, art. 311 para. (1) and Art. 312 shall be punished by imprisonment of one to five years. (2) Manufacture, receipt, possession or transfer of equipment, including hardware and software, in order to serve the falsification of electronic payment instruments, shall be punished with imprisonment from 2 to 7 years. (3) No person shall be punished, by committing any of the acts in para. (1) or (2) prior to their discovery and before it is passed to the act of forgery, hand tools or materials held judicial authorities or the transmitting these authorities about their existence. **Art 315 fraudulent issuing of currency** (1) Making authentic currency through the use of facilities or equipment for this purpose, in violation of the conditions established by competent authorities, or without their consent, shall be punished with imprisonment from 2 to 7 years and prohibited from exercising certain rights. (2) The same punishment applies to the circulation of money made in para. (1) as well as receiving, possessing or transmitting it, in order to put them in circulation. **Art 316 Falsification of foreign exchange** provisions of this Chapter shall apply in the case when the offense concerns coins, stamps, securities or payment instruments issued abroad.

## **Chapter II - FORGERY INSTRUMENTS LOGIN or marking**

### **Article 317 Forgery of official tools**

(1) Falsification of a seal, stamp or marking instrument that use those provided in art. 176 or individuals mentioned in art. 175 para. (2) shall be punished with imprisonment from 6 months to 3 years or a fine.

(2) Falsification of a seal, stamp or marking instrument to be used other than those included in para. (1) shall be punished with imprisonment from three months to one year or a fine.

(3) The attempt shall be punishable. **Art 318 The use of false instruments** use false instruments shown in art. 317 shall be punished by imprisonment from 3 months to 3 years or a fine. **Art 319 Forgery of foreign authentication tools** provisions of this chapter shall apply when the act concerned login or marking tools used by the authorities of a foreign state.

## **Chapter III - forgeries of documents**

### **Art forgery of official 320**

(1) Forging an official document by writing or underwriting counterfeiting or altering it in any way liable to legal consequences, is punished with imprisonment from 6 months to 3 years.

(2) Forgery in para. (1) committed by a public servant in the execution of his duties, shall be punished with imprisonment of one to five years and prohibited from exercising certain rights.

(3) shall be deemed official documents tickets, vouchers or any other printed producing legal consequences.

(4) The attempt shall be punishable. **Art Forgery 321** (1) Forging an official document issued its occasion, by a public servant in the performance of tasks, the certification of facts or circumstances inauthentic or by deliberate omission to insert some data or circumstances, shall be punished by imprisonment of one to five years. (2) The attempt shall be punishable. **Art False 322 private documents** (1) Falsification of a document under private signature by any of the modes shown in art. 320 Or 321 if enrolled perpetrator uses forged or entrusts another person to use, in order to produce legal consequences, is punished with imprisonment from 6 months to 3 years or a fine. (2) The attempt shall be punishable. **Art 323 The use of false** use of an official document or under private signature, knowing that it is false, in order to produce legal consequences, is punished with imprisonment from 3 months to 3 years or a fine when it is officially enrolled, and imprisonment for 3 months to 2 years or fine when document is under private signature. **Art 324**

**Falsification of technical records** (1) Falsification of records by technical counterfeiting or alteration of circumstances by

determining attestation Registration inauthentic or omission of data or circumstances, whether it was followed by the offender using the registration, or entrusting it to another person to use, in order to produce legal consequences, is punished with imprisonment from 6 months to 3 years or a fine. (2) The same punishment is applied using a counterfeit technical record in order to produce legal consequences. (3) recording technique, the purpose of this Article, means a certificate values, weights, measures or conduct of an event, made, in whole or in part, automatically approved by a technical device, and is designed to test a specific In fact, in order to produce legal consequences. **Art 325 False information** The input, modify or delete, without right to restrict computer data without right, access to these data, resulting in inauthentic data, in order to be used in order to produce legal consequences, an offense punishable by imprisonment of one to five years. **Art 326 false statements** inaccurate declaration, made one of the persons mentioned in art. 175 or a unit in which it operates in order to produce legal consequences for himself or for another, when, by law or circumstances, the declaration serves to produce those consequences, is punished with imprisonment from 3 months to 2 years or fine. **Art 327 false identity** (1) presentation award under a false identity or identities of such other person, made one of the persons mentioned in art. 175 or sent to a unit in which it operates through the use of a fraudulent act that serves to identify, or to prove the legitimacy of civil status or forged such an act to induce or maintain a civil servant in error in order produce legal consequences for himself or for another, shall be punished with imprisonment from 6 months to 3 years. (2) When the presentation was made by employing real identity of a person, the punishment is imprisonment from 1 to 5 years. (3 ) Entrusting an act that serves to identify, or to prove the legitimacy registrar to be used without law shall be punished by imprisonment from 3 months to 2 years or a fine. **Art 328 frauds committed in connection with a foreign state authority** provisions of this chapter shall apply when the act of acts issued by a competent authority of a foreign state or an international organization established by a treaty to which Romania is a party, or statements or an assumed identity in front of it.

## **Title VII - Offences against public safety**

### **Chapter I - CRIMES AGAINST traffic safety rail**

#### **Article 329 Failure to fulfill their duty or improper fulfillment**

(1) Failure to fulfill their duty or improper fulfillment of the employees who manage railway infrastructure or carriers, intervention or maneuver if this endangers traffic safety transport, intervention or maneuver on the railways, shall be punished with imprisonment from one to 5 years.

(2) If the offense resulted in a railroad accident, punishment is imprisonment from 3 to 10 years. **Art 330 Failure to fulfill their duty or improper fulfillment of the fault.** (1) Failure to fulfill the duties of their office or faulty, the fault of the employees who manage railway infrastructure or carriers, intervention or maneuver, if this puts transport safety at risk, intervention or maneuver on the railways, shall be punished with imprisonment from 3 months to 3 years or a fine. (2) When the offense resulted in a railway accident, the punishment is imprisonment of one 5 years. **Art 331 Leaving this job and to work under the influence of alcohol or other substances** (1) Leaving the station, in any manner and in any form, for employees with responsibilities for traffic safety transport, intervention or maneuver on the railways, if this endanger the traffic safety of such means, shall be punished with imprisonment for 2-7 years. (2) The same punishment applies service duties by an employee with responsibilities for traffic safety transport, intervention or maneuver on the railways which has an alcoholic imbibatie over 0.8 g / l of pure alcohol in the blood or is under the influence of psychoactive substances. (3) When the facts set forth in par. (1) and (2) had an accident as a result of railroad, the punishment is imprisonment from 3 to 10 years and the prohibition of certain rights. **Art 332 Destroying or false signals** (1) destruction, degradation or bringing in an unusable state railroad track, rolling stock, railway installations or to the railway communications, as well as any other property or to the railway infrastructure or placing obstacles on the track, if this endangers the safe transport, handling or intervention by rail, shall be punished with imprisonment from 2 to 7 years and prohibited from exercising certain rights. (2) The same punishment committing acts are punishable false signal or committing any acts that may mislead staff ensure circulation of vehicles maneuver or intervention on the railways during the execution of the service, if such facts creates a railway accident hazard. ( 3) If the acts in para. (1) and (2) have resulted in a railway accident, the punishment is imprisonment from 3 to 10 years and the prohibition of the exercise of rights. (4) When the facts set forth in par. ( 1) - (3) are intentionally committed special penalty limits are reduced by half. (5) Attempts to the offenses provided in par. (1) and (2) shall be punished. **Art 333 railway accidents** railway accidents consists in the destruction or alterations to vehicles, rolling stock or railway installations movement or maneuver during transport, handling, maintenance or intervention on the railways.

### **Chapter II - CRIMES AGAINST ROAD TRAFFIC SAFETY**

#### **Article 334 release or driving a car Unregistered**

(1) release the public highway or driving a motor vehicle or a tram or unregistered Unregistered, according to law, shall be punished with imprisonment of one to three years or with fine .

(2) release or driving a motor vehicle on public roads or tram fake number plate or registration shall be punished with imprisonment of one to five years or a fine.

(3) Towing a trailer or not registered or unregistered with fake number plate or registration shall be punished by imprisonment from 3 months to 2 years or a fine.

(4) Driving a motor vehicle on public roads or towing a trailer whose number plate or registration plate has been removed, or a vehicle registered in another state that does not have the movement in Romania, shall be punished with imprisonment from 6 months to 2 years or a fine. **Art 335 Driving a vehicle without driving**

(1) Driving a motor vehicle on public roads or a tram by a person who does not have a driving license shall be punished with imprisonment of one to five years. (2) Driving on public roads of a vehicle for which the law requires holding driving license to a person whose driving license is inappropriate category or subcategory of which the vehicle or permit has been withdrawn or canceled, or the exercise of the right to drive was suspended or who is not entitled to drive in Romania, shall be punished with imprisonment from 6 months to 3 years or a fine. (3) The same punishment is given and the person who entrusts a vehicle for which the law requires holding driving license for driving on public roads, a person who knows about is in one of the cases provided in par. (1) or (2) or under the influence of alcohol or psychoactive substances. **Art 336 Driving a vehicle under the influence of alcohol or other substances**

(1) The public road a vehicle for which the law provides that the ownership of the license by a person who, at the time of taking biological samples has a imbibatie alcohol over 0.80 g / l of pure alcohol in the blood shall be punished with imprisonment of one to five years or a fine. (2) The same punishment is sanctioned person under the influence of psychoactive substances, which drive a vehicle for which the law requires holding driving license. (3) If the person in one of the cases provided in par. (1) and (2) perform public passenger transport, transport of hazardous goods or substances are in the practical training of persons for obtaining a driving license during the tests or practical examination to obtain driving license penalty is imprisonment from 2 to 7 years. **Art 337 Refusal or avoidance of biological samples**

deny or circumvent the driver of a vehicle for which the law requires holding a driving license or a driving instructors, in the process of training, the competent authority or examiner, found during the tests practical exam for obtaining a driving license, subject to the taking of biological samples necessary to establish the presence of alcohol or psychoactive substances, shall be punished with imprisonment of one to five years. **Art 338 Leaving the scene of the accident or its modification or deletion marks**

(1) Leaving the scene of the accident, without the consent of the police or prosecutor conducting crime scene investigations, by the vehicle or by instructor car undergoing training, or by the examiner authority found during the tests relevant practical examination for driving license, involved in a car accident is punishable by imprisonment from 2 to 7 years. (2) The same punishment applies to anyone and act to change the status of site or delete tracks traffic accident that resulted in murder or assault or health of one or more persons, without the research team on the spot. (3) Not a crime-scene leaving when: a) after accident occurred just damage, b) the leader of the vehicle, in the absence of other means of transport, transport himself injured persons to the nearest health facility able to provide necessary medical assistance and said that personal data or number incorporation or registration of the vehicle driven, recorded in a special register shall be refunded immediately if the accident; C) DRIVER priority traffic regime immediately notify the police, and after the mission is presented at the police unit in the whose jurisdiction the accident, in order to draw finding documents, d) the victim left the scene and the driver of the vehicle immediately notify the event to the nearest police unit. **Art 339 Preventing or impairing driving on public roads**

(1) Installation of road signs means or change their position, without a permit issued by the competent authorities, the misleading nature of traffic participants or to impede traffic on the public road shall be punished with imprisonment 3 months to 2 years or a fine. (2) Participation as leader of unauthorized vehicle racing on public roads, shall be punished with imprisonment from three months to one year or a fine. (3) The same punishment applies placing obstacles which hinder or impede traffic on the public highway if it endangers traffic safety or prejudice to the freedom of movement of other road users. (4) Leaving the carriageway without supervision on a public road a vehicle carrying products or hazardous substances shall be punished with imprisonment of one to three years or a fine. **Art 340 Failure to check equipment or performing duties on repairs**

(1) poor performance or failure or technical verification tasks periodical technical inspection of motor vehicles, trailers or trams or those related to carrying out repairs or technical interventions by people who have such powers, if because of the technical condition of the vehicle to endanger the safety of driving on public roads, shall be punished with imprisonment from 3 months to 2 years or a fine. (2) If, following the act in para. (1) there was a traffic accident that resulted in injury to bodily integrity or health of one or more persons the punishment is imprisonment from one to five years and if the death of one or more persons the punishment is imprisonment from 3-10 years. (3) If the acts in para. (1) and (2) were intentionally committed special penalty limits are reduced by a third. (4) Repair of motor vehicles, trailers, trams or mopeds with traces of accident without the conditions provided by law, shall be punished with imprisonment from 3 months to 2 years or a fine. **Art 341 Making unauthorized works in the public road**

(1) Conducting building works, modification, modernization or rehabilitation of public roads or road access planning to go public, no building permit issued in accordance with the law or breach of the conditions laid down in authorization shall be punished with imprisonment from 6 months to 3 years or a fine. (2) The location of buildings, billboards and advertisements in the road, no construction permit issued in violation of the law or conditions of the authorization, if it creates a hazard to traffic safety, shall be punished with imprisonment from three months to one year or a fine. (3) The person authorized by the railway manager who takes appropriate measures to signal railway level crossings, shall be punished with imprisonment from 3 months to 2 years or a fine. (4) The penalty in para. (3) shall be punished by an authorized administrator or executor of a road works on the carriageway, not taking appropriate measures for signaling obstacles or road works, if it occurred in a traffic accident.

### **Chapter III - Failure to observe the arms, ammunition, explosives and nuclear materials**

#### **Article 342 Non regime of weapons and ammunition**

(1) holding the port, manufacturing circulation and any operation on lethal weapons, munition, their mechanisms or devices or operation repair workshops lethal weapons without law, shall be punished with imprisonment one to five years.

(2) the possession or non-lethal weapons without the right port of the kind subject to authorization shall be punished by imprisonment from 3 months to one year or a fine.

(3) Stealing weapons or ammunition in para. (1) and (2) shall be punished with imprisonment from 2 to 7 years and prohibited from exercising certain rights.

(4) Port of weapons provided in par. (1) and (2) no right, in premises of public authorities, public institutions and other legal persons of public interest or in spaces reserved election process shall be punished with imprisonment for 1-5 years and the prohibition of certain rights.

(5) If the acts in para. (1) and (3) have as their object or prohibited weapons ammunition, their mechanisms or devices, special limits of punishment shall be increased by one third. **Art 343 without using weapons as** (1) the use of lethal or prohibited weapon without law, shall be punished with imprisonment of one to three years. (2) The use of non-lethal weapon of the kind subject to authorization, without right, shall be punished with imprisonment from 6 months to 2 years. **Art 344 Deleting or changing the markings on lethal** deletion or modification, without right, the markings on lethal weapons shall be punished with imprisonment of one to three years or a fine. **Art 345 Failure to observe the**

**nuclear material or other radioactive materials** (1) The receipt, possession, use, transfer, alteration, transfer, release, exposure, transportation or diversion of nuclear material or other radioactive materials, and any surgery on their circulation, without the right shall be punished with imprisonment from 3 to 10 years and the prohibition of the exercise of rights. (2) Theft of nuclear materials and other radioactive materials, shall be punished with imprisonment from 5 to 12 years and the prohibition of the exercise of rights. (3) If the facts provided in par. (1) and (2) have jeopardized other persons or property caused injury to one or more persons, the penalty shall be imprisonment from 7 to 15 years and the prohibition of the exercise of rights. (4) If the acts in para. (1) and (2) resulted in the death of one or more persons, the penalty shall be imprisonment from 10 to 20 years and the prohibition of the exercise of rights. **Art 346 Failure to**

**observe the explosives** (1) The production, testing, processing, possession, transportation or use of explosives or any other operations on their circulation, without right, shall be punished with imprisonment for 2-7 years. (2) Stealing explosives, shall be punished with imprisonment from 3 to 10 years and the prohibition of the exercise of rights. (3) When the facts set forth in par. (1) and (2) on a larger amount of 1 kg TNT equivalent explosive quantity or when the material is accompanied by initiation, the punishment is imprisonment from 5 to 12 years and the prohibition of the exercise of rights. (4) If the acts in para. (1) - (3) resulted in the death of one or more persons, the penalty shall imprisonment from 10 to 20 years and the prohibition of the exercise of rights. **Art 347 Punishment of attempts** attempt to offenses covered in art. 342 para. (1) and (3), art. 345 para. (1) and (2) and art. 346. par. (1) and (2) shall be punished.

#### **Chapter IV - offense related to the arrangements established for activities regulated by law**

#### **Article 348 without the right to exercise a profession or activity**

exercise without law, a profession or activity for which the law requires authorization, or pursue other legal conditions than if the special law provides that the commission of such acts shall be punished according to criminal law, shall be punished with imprisonment from three months to one year or a fine. **Art 349 Failure to take legal safety and health at**

**work** (1) Failure of any of the statutory health and safety measures in the work of the person who had a duty to take such measures, whether an imminent threat of an accident at work or occupational disease, shall be punished with imprisonment from 6 months to 3 years or a fine. (2) The act in para. (1) committed by negligence shall be punished with imprisonment from three months to one year or a fine. **Art 350 Failure to follow safety and health legal work** (1)

Failure by any person of obligations and the measures laid down on health and safety at work, if this creates an imminent risk of an accident at work or occupational disease shall be punished with imprisonment from 6 months to 3 years or a fine. (2) The same punishment applies reinstatement of plant, machinery and equipment prior to removal of all deficiencies for which took as their stop. (3) The acts referred to in para. (1) and (2) committed by negligence shall be punished with imprisonment from three months to one year or a fine. **Art 351 usury** giving money with interest as occupation, by an unauthorized person, shall be punished with imprisonment from 6 months to 5 years.

#### **Chapter V - CRIMES AGAINST PUBLIC HEALTH**

#### **Article 352 thwarting disease control**

(1) Failure to measures to prevent or control infectious diseases resulted if such a disease spread, shall be punished with imprisonment from 6 months to 2 years or a fine.

(2) If the offense provided in par. (1) is committed by negligence, the punishment shall be imprisonment from one month to six months or a fine. **Art 353 venereal contamination** (1) Transmission of STDs through sexual intercourse or other sexual acts by a person known to suffer from such a disease, shall be punished with imprisonment from 6 months to 3 years or a fine. (2) The court shall order a safety measure ordered to medical treatment. **Art 354 Transmission of**

**Acquired Immunodeficiency Syndrome** (1) The transfer, by any means, acquired immunodeficiency syndrome - AIDS - by a person who knows they have the disease, shall be punished with imprisonment from 3 to 10 years. (2) The transmission through whatever means acquired immunodeficiency syndrome - AIDS - by a person other than as provided in par. (1) shall be punished with imprisonment from 5 to 12 years. (3) If the acts in para. (1) and (2) the victim's death occurred, the punishment is imprisonment from 7 to 15 years. (4) Where the act in para. (2) has been committed by negligence, the penalty is imprisonment from 6 months to 3 years, and if the caused the victim's death penalty is

imprisonment from 2 to 7 years. (5) Attempts to the offenses provided in par. (1) and (2) shall be punished. **Art 355 diseases spread from animals or plants** (1) Failure to measures to prevent or control infectious diseases in animals or plants or pest, if it resulted in the spread of such a disease or pest, shall be punished with imprisonment from three months to 3 years or a fine. (2) If the offense is committed by negligence, special limits of the penalty is reduced to half. **Art Water Infection 356** (1) Infection by any means or sources of water, if water is harmful to human health, animal or plant, shall be punished with imprisonment from 6 months to 3 years or a fine. (2) The attempt shall be punishable. **Art 357 Falsifying or substitution of foodstuffs or other products** (1) Preparation, offer or exposure for sale of food, beverages or other falsified or replaced, if deleterious health, shall be punished with imprisonment from 3 months to 3 years or a fine and prohibited from exercising certain rights. (2) Preparation, offer or exposure for sale of counterfeit or substitute drugs that are deleterious health, shall be punished with imprisonment from 6 months to 5 years and prohibited from exercising certain rights. **Art 358 Sale of adulterated products** (1) the sale of food, beverages and other products knowing that they are altered or exceeded the period of validity, if deleterious health, shall be punished with imprisonment from 6 months to 3 years or a fine and prohibition of exercise of rights. (2) The same punishment shall be applied in making consumption of meat or meat products from animals escaped cuts veterinary control, if they are harmful to health. (3) Selling knowing that drugs are counterfeit, altered, or the period discarded if they are deleterious health or have lost all or part of effective therapeutics, is punished with imprisonment of one to five years and prohibited from exercising certain rights. **Art 359 traffic or toxic products**(1) The production, possession and any operation on the movement of goods or toxic substances, cultivation for processing plants containing such substances or products or toxic substances experimentation without law, shall be punished with imprisonment from 2 to 7 years and prohibited from exercising certain rights. (2) The attempt shall be punishable.

## **Chapter VI - offenses against the security and integrity of computer data and systems**

### **Article 360 Illegal access to a computer system**

(1) unauthorized access to a computer system shall be punished by imprisonment from 3 months to 3 years or a fine. (2) The act in para. (1) committed in order to obtain computer data, shall be punished with imprisonment from 6 months to 5 years.

(2) If the act in para. (1) has been committed on a system which, by means of procedures, devices or programs specialized access is restricted or prohibited for certain categories of users, the punishment is imprisonment from 2 to 7 years. **Art 361 illegal interception of computer data transmission** (1) interception, without right, of a data that is not public information and is intended for a computer system, such a system comes from or is done in a computer system punished with imprisonment of one to five years. (2) The same punishment applies the interception without right of electromagnetic emissions from a computer system that contains data that is not public information. **Art 362 Alteration of computer data integrity** act to modify, delete or damage data or restrict access to this data without right, shall be punished with imprisonment of one to five years. **Art 363 Disruption of operation systems** act to severely disrupt without right, of a computer system by inputting, transmitting, modifying, deleting or damaging data or by restricting access to computer data is punishable by imprisonment from 2 to 7 years. **Art .364 unauthorized transfer computer data** from unauthorized transfer data from a computer system or a data storage means is punishable by imprisonment of one to five years. **Art 365 illegal operations with devices or software** (1) Any person who, without right, produce, import, distribute, or make available in any form: a) Devices or software designed or adapted for the purpose of committing any of the offenses set forth in art. 360-364. b) passwords, access codes or other such computer data allowing total or partial access to a computer system for the purpose of committing one of the offenses set forth in art. 360-364 shall be punished with imprisonment from 6 months to 3 years or a fine. (2) Owning, without right, of a device, software, password, access code or other information of the data provided in par. (1 ) for the purpose of committing one of the offenses set forth in Art. 360-364. shall be punished by imprisonment from 3 months to 2 years or a fine. **Art 366 Punishment of attempts**attempt to offenses punishable under this chapter.

## **Title VIII - offenses against social cohabitation relationships ON**

### **Chapter I - Offences against public order**

#### **Article 367 Establishment of an organized criminal group**

(1) The initiation or constitution of an organized criminal group, joining or supporting in any form such a group shall be punished with imprisonment of one to five years and prohibited from exercising certain rights.

(2 ) the offense which is the purpose of the organized criminal group is sanctioned by law with imprisonment for life or imprisonment exceeding 10 years punishment is imprisonment from 3 to 10 years and the prohibition of the exercise of rights.

(3) If the deeds stipulated in paragraph . (1) and (2) were followed for an offense, the rules of competition offenses.

(4) Do not punish those who have committed acts in para. (1) and (2) whether the authorities denounce organized criminal group, before it had been discovered to have started committing any of the offenses within the scope of the group.

(5) If the person who has committed one of the acts in para. (1) - (3) facilitates, during the criminal investigation, finding the truth and criminal liability of one or more members of an organized criminal group, special limits of the penalty is reduced to half.

(6) Organized criminal group shall mean a structured group, consisting of three or many people, constituted for a period of time and act in a coordinated manner in order to commit one or more crimes. **Art 368 Public Incitement**(1) The act of urging the public, verbal, in writing or by any other means, to commit crimes, shall be punished by imprisonment from 3 months to 3 years or a fine, without being able to exceed the penalty provided by law for committing the offense to which instigated. (2) If the act in para. (1) is committed by a public servant, the punishment is imprisonment from one to five years and prohibited from exercising certain rights, without being able to exceed the penalty provided by law for the commission of that offense incited. (3) If public provocation resulted instigated the offense to which the penalty is provided by law for that offense. **Art 369 Incitement to hatred or discrimination** public incitement by any means, hatred or discrimination against a class of persons shall be punished with imprisonment from 6 months to 3 years or a fine. **Art 370 Attempting to cause an offense** trying to determine a person by coercion or corruption, to commit an offense for which the law prescribes imprisonment for life or imprisonment exceeding 10 years, shall be punished with imprisonment of one to five years or a fine. **Art371 Public order and disorder** Any person who, in public, by violence against persons or property, or by threats or serious prejudice to the dignity of persons, disturbing public order and peace, shall be punished with imprisonment from 3 months to 2 years or fine. **Art 372 Port or unauthorized use of a dangerous object** (1) The act of wearing no right to public gatherings, cultural events, sports and authorized in special places for fun or pleasure or means of transport: a) knife, dagger, boxing or other such items produced or manufactured specifically for cutting, puncture or impact, b) non-lethal weapons that are not subject to authorization or electric shock devices, c) tear irritants or paralyzing effect, shall be punished with imprisonment for 3 months to one year or a fine. (2) The use, without the right to public gatherings, cultural events, sports, leisure or entertainment places or means of transport objects or substances listed in par. (1) shall be punished with imprisonment from 6 months to 2 years or a fine. (3) port, without right, of objects or substances listed in par. (1) registered public authorities, public institutions and other legal entities of public interest, or in spaces reserved election process shall be punished with imprisonment of one to three years or a fine. **Art 373 obstructed a public meeting** to prevent, by any means, running a public meeting which was authorized by law, shall be punished with imprisonment from three months to one year or a fine. **Art 374 Child pornography** (1) The production, possession for display or distribution, acquisition, storage, display, promotion, distribution and making available in any way, of child pornography is punished with imprisonment from 1 to 5 years. (2) If the facts mentioned in the preceding paragraph has been committed through a computer system or other means of data storage, the punishment is imprisonment from 2 to 7 years. (3) The access without right to pornography minors through computer systems or other means of electronic communication, shall be punished with imprisonment from 3 months to 3 years or a fine. (4) child pornography is any material that shows a minor with an explicit sexual behavior or which, although it shows a real person simulates credibly, a minor with such behavior. (5) The attempt shall be punishable. **Art 375 Outrage against morality** Any person who, in public, expose or distributed without the right images shows explicit sexual activity other than that referred to art. 374, or commits acts of exhibitionism or other explicit sexual acts, shall be punished with imprisonment from 3 months to 2 years or a fine.

## Chapter II - OFFENCES AGAINST THE FAMILY

### Bigamy Article 376

(1) The conclusion of a new marriage by a married person shall be punished by imprisonment from 3 months to 2 years or a fine.

(2) unmarried persons who enter into marriage with a person who knows married, shall be punished with imprisonment from one month to one year or a fine. **Art 377 Incest** Sexual intercourse consensual, committed between relatives in the direct line or between brothers and sisters, shall be punished with imprisonment from one year to five years. **Art 378 Abandonment of family** (1) the commission by the person who has the legal obligation of maintenance from the person entitled to maintenance of one of the following acts: a) leaving, expulsion or leaving without help, exposing it to physical or moral; b) failure in bad faith maintenance obligations required by law; c) failure in bad faith, for three months, alimony established by court, shall be punished with imprisonment from 6 months to 3 years or fine. (2) The same punishment applies failure in bad faith by the convict, the regular benefits established by court decision in favor of the persons entitled to maintenance from the offense. (3) Criminal proceedings shall be in a prior complaint by the injured person. (4) The act shall not be punished, if before the end of the criminal prosecution, the defendant meets its obligations. (5) If, before a final decision to sentence the defendant to fulfill its obligations, the court has, as appropriate, conditional sentence or suspended sentence under supervision, even if the conditions stipulated by the law for it. **Art 379 Failure to follow regarding child custody** (1) Retention by a parent or minor child without the consent of the other parent or the person entrusted with the juvenile law, shall be punished with imprisonment from one month to three months or a fine. (2) The same punishment applies Any person who has been entrusted with the minor by court order for raising and education, to stop, repeatedly, on any of the parents have personal ties to the child, as provided by the parties or by the body competent. (3) Criminal proceedings are initiated upon prior complaint from the injured person. **Art380 Preventing access to general compulsory education** (1) The parent or the person entrusted by law, a minor who unjustifiably withdraw or stop it by any means to attend compulsory education shall be punished with imprisonment 3 months to one year or a fine. (2) The act is not punishable if the accused before the criminal prosecution of attending courses to ensure resumption minor. (3) If a final decision until sentencing defendant provide resume attendance rates the minor, the court, as appropriate, conditional sentence or suspended sentence under supervision, even if the conditions stipulated by the law for it.

### Chapter III - Crimes against religious freedom and respect due the deceased

#### Article 381 preventing the exercise of religious freedom

(1) preventing or disturbing the free exercise of a religious ritual, which is organized according to law, shall be punished by imprisonment from 3 months to 2 years or a fine.

(2) order a person by compulsion, to attend religious services of worship or to perform a religious act relating to the exercise of worship shall be punished with imprisonment of one to three years or a fine.

(3) The same punishment applies to a person ordered by violence or threat, to perform a forbidden act of worship, organized according to law, to which it belongs.

(4) Criminal proceedings are initiated upon prior complaint from the injured person. **Art 382 places or objects of worship Desecration** Desecration of a place or object of worship, belonging to a religious denomination which is organized according to law, shall be punished with imprisonment from 6 months to 2 years or a fine. **Art 383 desecration of corpses and graves** (1) Theft, destruction or desecration of a corpse, or the ash resulting from the incineration thereof shall be punished by imprisonment from 6 months to 3 years. (2) Desecration of a grave by any means, a ballot funeral or monument shall be punished by imprisonment from 3 months to 2 years or a fine. **Art 384 Collection of tissues or organs illegal** taking of tissue or organs from a corpse without law, shall be punished with imprisonment from 6 months to 3 years or a fine.

### Title IX - ELECTION CRIMES

#### Exercising their voting rights Article 385

(1) prevent, by any means, the free exercise of the right to elect or to be elected, shall be punished with imprisonment from 6 months to 3 years.

(2) attack, by any means, the polling station, shall be punished with imprisonment from 2 to 7 years and prohibited from exercising certain rights. **Art Corruption 386 voters** (1) Offering or giving money, goods or other benefits in order to determine the voter to vote or not to vote a certain list of candidates or a candidate, shall be punished with imprisonment from 6 months to 3 years and the prohibition exercise certain rights. (2) Do not fall into the category of goods in para. (1)

Real value symbolic marks emblazoned with a political party. **Art Fraud 387 vote** (1) Any person who votes: a) without having this right, b) two or more times, c) by inserting in box more ballots than voter is entitled, shall be punished with imprisonment from 6 months to 3 years or a fine and prohibited from exercising certain rights. (2) The same punishment is applied using a card or a voter ID null or false or fake ballots. **Art 388 electronic voting fraud** Printing and access data using false, fraudulent access system will by any means electronic or falsification of ballots in electronic form shall be punished with imprisonment of one to five years. **Art 389 Violation of confidentiality vote** (1) Violation by any means of secret voting shall be punished with a fine. (2) If the offense was committed by a member of the electoral committee of the polling station, the punishment is imprisonment from 6 months to 3 years or fine and prohibited from exercising certain rights. **Art 390 Failure to observe the ballot box** (1) The opening ballot boxes before the time set for the closing of the voting, shall be punished with imprisonment of one to three years or a fine and prohibited from exercising certain rights. (2) other persons entrusted with special ballot box than the members of the election of the polling station, or transporting by other persons or circumstances other than as required by law, shall be punished with imprisonment from 3 months to 2 years or a fine and prohibited from exercising certain rights. **Art 391 Falsifying election documents and records** (1) Forgery, by any means of documents from the electoral punishable by imprisonment of one to five years and prohibited from exercising certain rights. (2) The same punishment is given and a copy of the submission permanent electoral list of persons not included in this list. (3) introducing into use or the use of a computer program by registering or adding defects that alter the results at polling stations and to determine the distribution of seats outside the law, shall be punished with imprisonment from 2 to 7 years and prohibited from exercising certain rights. (4) The same punishment applies data entry, information or procedures that lead to alterations in the information system needed to establish national election results. **Art 392 Acts committed in relation to a referendum** of art. 385-391 shall apply accordingly for the acts committed on the occasion of a referendum. **Art 393 Punishment of attempts** attempt to offenses covered in art. 385 and art. 387-391 punished.

### Title X - crimes against national security

#### Art 394 Betrayal

act Romanian citizen to get in touch with a foreign power or by an organization or with their agents, in order to suppress or toothless unity and indivisibility, sovereignty and independence of the State, by:

a) the challenge of war against country or of facilitating foreign military occupation,

b) undermine the economic, political and defense capability of the state,

c) subjection to a foreign power or organization,

d) aiding a foreign power or organization to conduct a hostile activities against national security,

is punished with imprisonment from 10 to 20 years and the prohibition of the exercise of rights. **Art Betrayal 395 by transmitting state secret information** transmission state secret information a foreign power or organization or its agents, and purchase or possession of documents or information constituting a state secret information by those who are

not to know them the purpose of transferring them to a foreign power or organization or its agents committed by a Romanian citizen, shall be punished with imprisonment from 10 to 20 years and the prohibition of the exercise of rights. **Art 396 Betrayal by helping the enemy** act Roman citizen, in time of war: a) teach territories, cities, defensive positions, locations or facilities of the armed forces serving Roman or defense, b) teach ships, aircraft, machinery, weapons or any other material that may serve wearing war; c) procure enemy people, values, or material of any kind; d) passing the enemy or perform other actions that are conducive to enemy activity or to weaken the fighting power of the armed forces Roman or allied armies, e) fighting formations or part of the fight against Roman rule or its allies, shall be punished with imprisonment for life or with imprisonment from 15 to 25 years and the prohibition of the exercise of rights. **Art 397 Action against the constitutional order** (1) military action undertaken in order to change the constitutional order or the ingreunarii or disrupting the exercise of state power shall be punished with imprisonment from 15 to 25 years and the prohibition of the exercise of rights. (2) Take action against violence persons or property committed by several persons together, in order to change the constitutional order or the ingreunarii or disrupting the exercise of state power, if it endangers national security, shall be punished with imprisonment from 10 to 20 years and prohibited from exercising certain rights. **Art . 398 treason** acts in art. 394-397, committed by the President of Romania or by another member of the Supreme Council of National Defence, the offense of high treason punishable by life imprisonment or imprisonment for 15 to 25 years and the prohibition of the exercise of rights . **Art 399 hostile actions against the State** Acts stipulated in art. 394 and art. 396, committed by a foreign citizen or stateless person, shall be punished with imprisonment from 10 to 20 years and the prohibition of the exercise of rights. **Art 400 Espionage** Acts stipulated in art. 395, committed by a foreign citizen or stateless person, shall be punished with imprisonment from 10 to 20 years and the prohibition of the exercise of rights. **Art 401 Attempt threatening national security** Attempt against life committed against a person who holds a public dignity if endangers national security, shall be punished with imprisonment for life or imprisonment of 15 to 25 years and the prohibition of the exercise of rights. **Art 402 Attempt against a community** committed against a community Attempt by mass poisoning, epidemics or challenge by any other means, in order ingreunarii or disrupting the exercise of state power, shall be punished with imprisonment for life or with imprisonment from 15 to 25 years and prohibited from exercising certain rights. **Art403 acts of sabotage** destruction, degradation or bringing in an unusable state, in whole or in part by an explosion, fire or otherwise, industrial facilities, lines of communication, means of transport, means of telecommunication, construction, industrial products or equipment, or other property, if endangers national security, shall be punished with imprisonment from 10 to 20 years and the prohibition of the exercise of rights. **Art 404 Communication of false information** spread communication or by any means, news, data or false information or forged documents, fake knowing their character, if thereby they endanger national security, shall be punished with imprisonment of one 5 years. **Art 405 Propaganda for War** (1) propaganda for war of aggression and tendentious news spread or invented, in order to start a war of aggression, shall be punished with imprisonment from 2 to 7 years and prohibited from exercising certain rights. (2) The The same punishment applies the facts mentioned in para. (1) committed in order to start a war of aggression against Romania or internal armed conflict. **Art Compromising 406 state interests** destruction, alteration or concealment of a document or record that establishes rights of the Romanian state in relation to a foreign power, if by this are endangered or injured the interests of the state, shall be punished with imprisonment from 7 15 years and prohibited from exercising certain rights. **Art 407 Revealing secrets that endanger national security** (1) Disclosure of documents or data that constitute state secret information, by one who knows thanks tasks, if endangers national security, shall be punished with imprisonment from 7 15 years and prohibited from exercising certain rights. (2) holding out official duties of a document containing information state secrets if endangers national security, shall be punished with imprisonment from 5 to 10 years. **Art 408 Offences against persons enjoying international protection** (1) Attempt against life committed against the representative of a foreign state or other persons who enjoy protection in accordance with international conventions on official missions in Romania, shall be punished with life imprisonment or imprisonment from 15 to 25 years and the prohibition of the exercise of rights. (2) intentional offenses against physical integrity, health or freedom, committed against a person as referred in para. (1) shall be punished with the punishment provided for the offense, whose special limits shall be increased by half. **Art 409 Establishment of illegal intelligence structures** initiation, organization or establishment in Romania of informative structures in order to gather state secret information, or conducting by an activity of collecting or processing of such information, outside the legal framework, shall be punished with imprisonment from 3 to 10 years and the prohibition of certain rights. **Art 410-disclosure of crimes against national security** (1) Any person who, having obtained knowledge about preparing or committing any of the offenses set forth in art. 394-397, art. 399-403 and art. 406-409, it shall immediately notify the authorities shall be punished with imprisonment for 2-7 years. (2) failure to disclose committed by a family member, not punished. (3) No person shall be punished prior to the initiation of criminal proceedings against a person for committing the offense nedenuntate, the transmitting competent authorities on this or even after putting in the criminal action, facilitated the criminal liability of the author and participants. **Art 411 cases of reduction of sentence** if the person has committed any offense covered in this title enables, during prosecution, finding the truth and criminal liability of the author or participants, special limits of the penalty is reduced to half. **Art 412 Punishment of attempts** (1) Attempt to offenses punishable under this Title. (2) It is considered tentative and produce or procure the means or instruments, and taking action for offenses stipulated in art. 395-397, 401-403, 408 and art. 399 reported the crime of treason by helping the enemy.

## **Title XI - Offences against the combat readiness of the armed forces**

### **Chapter I - CRIMES committed by military**

#### **Article 413 unjustified absence**

of any military unjustified absence from the unit or service that exceed 4 hours but no longer than 24 hours, in time of war, during a state of siege or emergency, the punished with imprisonment of one to three years or a fine. **Art 414 Desertion** (1) unjustified absence from the unit or service that exceeds three days, any military, shall be punished with imprisonment of one to five years or a fine. (2) Desertion committed under the following circumstances a) the two or more soldiers together, b) having on him a military weapon, c) while participating in missions outside the Romanian territory shall be punished with imprisonment from 3 to 10 years. (3) In time of war or territory which was proclaimed a state of siege or emergency, any military desertion from the unit or service that exceeded 24 hours shall be punished with imprisonment from 3 to 10 years. **Art 415 Violation of confinement** (1) Violation of rules guard, intervention, whether or security shall be punished by imprisonment from 3 months to 3 years or a fine. (2) Violations noted by sentry post located in the warehouses of arms, ammunition or other explosive material, or in other positions of a particular military interest or state shall be punished by strict imprisonment from 1 to 5 years. (3) acts in para. (1) - (3) committed in time of war, during a state of siege or emergency shall be punished with imprisonment from 3 to 10 years. **Art Leaving the job or order 416** (1) Leaving the military by post, service or any other place where he had to be punished with imprisonment from three months to one year. (2) Leaving a services order or permanent by any military is punished with imprisonment for 1-5 years. (3) acts in para. (1) and (2) shall be punished with imprisonment for 2-7 years, and if committed in time of war shall be punished with imprisonment from 3 to 10 years. **Art 417 Disobedience** (1) Refusal to execute an order on official duties shall be punished by imprisonment from 3 months to 3 years or a fine. (2) In time of war, during a state of siege or emergency punishment for the act in para. (1) is closed from 2 to 7. **Art 418 Coercion superior** (1) coercion, by any means, of superior or inferior by the head of the subordinate in violation of official duties, shall be punished with imprisonment for 1-3 years. (2) The act in para. (1) committed by two or more soldiers together, or in front of the band gathered or using a weapon shall be punished with imprisonment for 2-7 years. (3) wartime acts described in par. (1) is punishable by imprisonment from 2 to 7 years and act in para. (2) shall be punished with imprisonment from 3 to 12 years. **Art.419 abuse of supervisor or boss** who act in violation tasks, causing serious harm to the interests inferior or subordinate legal or forces him to violate official duties, shall be punished with imprisonment from 1 to 3 years. **Art 420 Striking a superior or inferior** (1) Hitting superior or inferior by the head of the subordinate when the supervisor or boss is in the course of their duties or acts performed in connection with these duties, shall be punished with imprisonment 1 to 5 years or a fine. (2) The same punishment is sanctioned and perpetrated by hitting head against inferior or superior or subordinate, inferior or subordinate when it is in the course of their duties or acts performed in connection with these tasks. (3) When the facts set forth in par. (1) and (2) have been committed in time of war, during a state of siege or emergency, special limits of the penalty shall be increased by one third. **Art 421 surrender** Teaching the enemy armed forces commander by that order, leaving the enemy, destroying or rendering unusable state by means of battle commander or other means necessary to conduct war without any of these have been determined by the conditions of battle shall be punished with imprisonment for life or with imprisonment from 15 to 25 years and the prohibition of the exercise of rights. **Art 422 Leaving the battlefield** Leaving the battlefield or refusal to act, committed during the fight, or teaching in captivity or committing other acts of nature also serve the cause of the enemy, shall be punished with imprisonment for life or with imprisonment from 15 to 25 years and prohibited from exercising certain rights. **Art Unauthorized Flight 423** (1) Flying an aircraft belonging to the armed forces of the Romanian state, without prior authorization, and violation of the flight, if this endangers flight safety in the airspace or aircraft shall be punished with imprisonment of one to three years or a fine. (2) If the offense resulted in the destruction or degradation of aircraft punishment is imprisonment from 5 to 10 years and the prohibition of exercising certain rights, and if it resulted in a disaster, the penalty is imprisonment from 10 to 20 years and prohibited from exercising certain rights. **Art 424 leaving the vessel** (1) Leaving a military ship in distress by the master, before exercising their duties until the end of service, and by any other person belonging to the crew, without order of the commander, shall be punished with imprisonment of one to five years. (2) If the offense is committed in time of war, during a state of siege or emergency, shall be punished with imprisonment from 10 to 20 years and the prohibition of the exercise of rights. **Art Leaving Order 425** (1) Leaving the command of a military ship or the commander of a group of naval ships, in situations that could jeopardize military ship or military ships or crew thereof, shall be punished with imprisonment for 2-7 years. (2) if removal order was committed during the struggle, by the commander of a military ship or of a group of naval ships, the punishment is imprisonment from 10 to 20 years and the prohibition of the exercise of rights. **Art 426 Failure to take necessary measures in naval military deed** or master of a ship military ship groups without being stopped by an order, or have been prevented without special mission that was: a) take the necessary measures to attack to fight the enemy, to help ship the Romanian state or allied countries, followed by the enemy or engage in combat, b) take steps to destroy an enemy convoy, c) is not intended or commercial warships of the enemy shall be punished with imprisonment from 10 to 20 years and the prohibition of the exercise of rights. **Art 427 Lowering Flag** Lowering the flag during the battle, in order to serve the cause of the enemy, committed by the master of a ship or a military associations military ships and boats of any other person, shall be punished with imprisonment from 10 to 20 years and prohibited from exercising certain rights. **Art 428 Collision** (1) The act commander of a military ship or any person on board the ship, which caused a collision or grounding of the vessel, if the offense resulted in serious damage, is punished with imprisonment of 5 to 12 years and prohibited from exercising certain rights. (2) If the act in para. (1) has been committed by negligence, the punishment is imprisonment from 6 months to 3 years. (3) An act provided for in paragraph . (1) committed in time of war, during a state of siege or emergency, shall be punished with imprisonment from 10 to 20 years and the prohibition of the exercise of rights. **Art 429 Punishment of attempts** attempt to offenses covered in art. 421-425, art. 427, art. 428 para. (1) shall be punished. **Art 430 Offences relating to military aircraft** of art. 423-425, art and art .. 428. 429 shall apply accordingly in the case of military aircraft. **Art 431 Putting criminal action** criminal action for the offenses referred to in article. 413-417 shall be initiated only upon notification from the master.

## Chapter II - offenses committed by military or civilian

### Art 432 Avoiding military service in wartime

Any person who in time of war or during a state of siege or assault causing their health, simulates an illness or disability, use false inscriptions or any other means, in order to evade military service, shall be punished with imprisonment for 2-7 years. **Art Aggression against Sentry 433** (1) Any person who threatens or strikes or military sentry on duty of intervention, whether or security shall be punished by imprisonment for 1-3 years. (2) If the offense is committed by the use of a weapon or two or more persons together punishment is imprisonment from 2 to 7 years. **Art 434 Avoiding taking military records** (1) Stealing from taking military records, selection, determining skills and options on how to fulfill their military duties in time of peace, shall be punished with a fine.(2) If the offense is committed in time of war or during a state of siege, the penalty is imprisonment of one to five years. **Art 435 Failure to incorporate or focus** (1) Failure to incorporation, merger or mobilization in time of war or during a state of siege, within the period stipulated in the order of summons, shall be punished with imprisonment for 2-7 years. (2) The The same punishment applies and the failure to built or focused on unit where assigned, and the one who, executing the law, alternative service, it shall be submitted to the employer. (3) The terms of presentation provided in par. ( 1) and (2) shall be extended by 10 days if the call is abroad. **Art 436 Robbing those fallen in battle** (1) Looting on the battlefield of dead or wounded, shall be punished with imprisonment from 3 to 10 years and the prohibition of the exercise of rights. (2) The same punishment applies act in para. ( 1), which, without being committed on the battlefield is the result of war operations. **Art 437 Using the Red Cross emblem during military operations** use without law, in time of war or during a state of siege, in connection with military operations, of the emblem or the designation "Red Cross" or the equivalent thereof shall be punished by imprisonment 2 to 7.

## Title XII - crimes of genocide against humanity and war

### Chapter I - genocide and crimes against humanity

#### Genocide Article 438

(1) Committing in order to destroy, in whole or in part, a national, ethnical, racial or religious group, one of the following acts:

- a) killing members of the group,
- b) bodily injury or mental health of members of the group,
- c) subjecting the group conditions of life that leads to physical destruction, total or partial thereof;
- d) imposing measures aiming to prevent births within the group;
- e) forcibly transferring children belonging group to another group, shall be punished with imprisonment for life or with imprisonment from 15 to 25 years and the prohibition of the exercise of rights.

(2) If the facts in para. (1) is committed in time of war, the punishment is imprisonment life.

(3) Conspiracy to commit the crime of genocide is punishable by imprisonment from 5 to 10 years and the prohibition of the exercise of rights.

(4) The crime of incitement to genocide, committed directly, in public is punishable by imprisonment from 2 to 7 years and prohibited from exercising certain rights. **Art 439 Crimes against humanity** (1) the commission, in a widespread or systematic attack launched against a civilian population of one of the following acts: a) killing people, b) subjecting a population or part thereof, in order to destroy in whole or in part, the conditions of life intended to cause physical destruction, total or partial, of it, c) slavery or human trafficking, especially women and children, d) deportation or forcible transfer, in violation of the general rules international law, of persons lawfully in a territory by expelling them to another state or to another territory, or using other measures of constraint, e) a person under torture or the perpetrator guard it exercise control in any other way, causing her physical or mental harm or physical suffering or serious psychiatric consequences of sanctions exceeding permitted by international law; f) rape or sexual assault, coercion, prostitution, forced sterilization or illegal detention of forcibly pregnant women in order to change the ethnic composition of a population; g) physical or mental injury to persons, h) causing the forced disappearance of a person in order to circumvent it under the protection of the law for a prolonged period, of abduction, arrest or detention by the order of a State or a political organization, or with the authorization, support or their consent, followed by a refusal to accept that this person is deprived of liberty or to provide real information on the fate of who is reserved or where they are, as soon as this information was requested, i) imprisonment or other forms of severe deprivation of liberty in violation of the general rules of international law; j) persecution of a group or a community caused by deprivation of rights fundamental human rights or serious restrictions on the exercise of these rights on the grounds of political, racial, national, ethnic, cultural, religious, sexual or other grounds recognized by international law as inadmissible; k) other inhumane acts causing such great suffering or injury to the physical or mental, shall be punished with imprisonment for life or with imprisonment from 15 to 25 years and the prohibition of the exercise of rights. (3) The same punishment is sanctioned acts in para. (1) committed in the institutionalized regime of systematic oppression and domination over another racial group with the intention of maintaining that regime.

## Chapter II - WAR CRIMES

### Article 440 war crimes against persons

(1) Committing in an armed conflict, international or non, on one or more persons protected by international humanitarian law, to one of the following acts:

- a) killing,
- b) taking hostages,
- c) the application of cruel or inhuman treatment, causing her physical or mental injury of, or physical or mental suffering, especially by torture or mutilation,
- d) rape or sexual assault, coercion, prostitution, forced sterilization and illegal detention of pregnant women forcibly in order to change the ethnic composition of a population,
- e) deportation or forcible transfer, in violation of the general rules of international law, of persons lawfully in a territory by expelling them to another state or another territory or using other measures of constraint,
- f) the application or enforcement of a severe punishment, particularly the death penalty or a custodial sentence against a person who was tried in a and impartial legal proceedings, providing guarantees required by international law;
- g) exposing a person to a danger of death or serious harm to health by:
  1. carrying on its experiences on which it has not consented voluntarily prior express or unnecessary for their health or not carried out in his interest;
  2. the removal of tissues or organs from the transplant purposes, except the taking of blood or skin made for therapeutic purposes in accordance with generally accepted medical principles and voluntary consent, express and prior consent of the person;
  3. submission to recognized methods of medical treatment, not as they are necessary for the health of the person and be without her consent, voluntarily prior express,
- h) subjecting a person to a degrading treatment shall be punished by life imprisonment or by imprisonment for 15 to 25 years and the prohibition of the exercise of rights.

(2) The same punishment applies recruitment or incorporation of minors who have not attained the age of 15 in armed forces or armed groups and their determination by any means to participate actively in hostilities.

(3) injuries in an armed conflict or non-international, a member of the armed forces or enemy combatant enemy of the party after he surrendered without conditions, or that was knocked out in any way, shall be punished with imprisonment from 5 to 12 years and the prohibition of the exercise of rights.

(4) the commission, in an armed conflict with international character of one of the following acts:

- a) maintaining the detention illegal or unjustified delay in the repatriation of one or more of the persons specified in par. (5) letter. a),
- b) the transfer, directly or indirectly, by an agent of the occupying power, of a part of the civilian population he belongs in the occupied territory,
- c) coercion by violence or threat of one or more of the persons mentioned in para. (5) letter. a) to serve in the armed forces of the enemy,
- d) power constraint enemy nationals to take part in operations of war directed against their country, shall be punished with imprisonment from 3 to 10 years and the prohibition of the exercise of rights.

(5) The persons protected by international humanitarian law are:

- a) in an International Armed Conflict: protected persons within the meaning of the Geneva Conventions of 12 August 1949 and Additional Protocol I of June 8, 1977, especially the wounded, sick, shipwrecked, prisoners of war and civilians,
- b) in the Non-international armed conflict: the wounded, sick, shipwrecked and people who do not participate directly in hostilities and that are under the power of the enemy side,
- c) in an armed conflict or non-international: forces enemy combatants and armed party who laid down their arms or from any other cause, can not occur which are not under the power of the enemy side.

### **Art 441 war crimes against property and other rights**

(1) Any person who, during an armed conflict or non-international, robs or in violation of international law and without this being justified by military necessity, destroying, appropriate or requisition enemy property of the party, under the Party from which the power of the perpetrator shall be punished by imprisonment from 3 to 10 years and the prohibition of the exercise of rights. (2) The declaration, in an armed conflict of an international character, as off, suspended or inadmissible in court, all third party rights and actions of enemy or a substantial part thereof, shall be punished with imprisonment from 3 to 10 years and the prohibition of the exercise of rights.

### **Art 442 War crimes against humanitarian operations and emblems**

(1) Any person who, during an armed conflict or non-international: a) triggers an attack against personnel, installations, material, units or vehicles involved in a humanitarian mission times in a peacekeeping mission in accordance with the UN Charter, and who enjoy the protection that international humanitarian law guarantees a civilian or civilian objects, b) triggers an attack against personnel, buildings, medical units and transport health, specified using the hallmarks of the Geneva Conventions, in accordance with the provisions of international humanitarian law, shall be punished with imprisonment from 7 to 15 years and the prohibition of the exercise of rights. (2) Any person who, during an armed conflict with or without international character, uses no hallmarks as stipulated by the Geneva Conventions, the parliamentary flag, flags, military insignia and uniform of the enemy or of the United Nations, which can cause injury or death of one or more persons, punished with imprisonment from 7 to 15 years and the prohibition of the exercise of rights.

### **Art 443 The use of prohibited methods of combat operations**

(1) Any person who, during an armed conflict or non-international: a) triggers an attack by military means the civilian population or civilians who directly participate in hostilities; b) triggers an attack by military means against civilian protected as such by international humanitarian law, especially religious buildings dedicated to religion, education, art, science, charities, historic monuments, hospitals, places where the sick and wounded are collected, and of cities, villages, dwellings or buildings not necessarily or demilitarized zones, or the facilities or equipment containing hazardous substances to the extent that they are used as military targets, c) carried out an attack by military means, knowing that it will cause casualties among the civilian population, injuries to civilians, damage to civilian objects which would be manifestly disproportionate to the concrete and direct overall military advantage anticipated; d) uses a person protected by the

provisions of international humanitarian law to prevent certain points, areas or military forces to become the target of military operations of the enemy side, e) used as a method of waging war, the deliberate starvation of civilians, depriving them of objects indispensable survival, or preventing, in violation of law International humanitarian aid for their reception, f) declares or orders that there will be no mercy for losers; g) kills or injures through cunning, a member of the armed forces of enemy combatant or enemy forces, shall be punished with imprisonment from 7 15 years and prohibited from exercising certain rights. (2) the conduct of an attack by military means in an armed conflict with international character, knowing that it will cause extensive environmental damage, the duration and severity that would be manifestly disproportionate the concrete and direct overall military advantage anticipated, is punished with imprisonment from 3 to 10 years and the prohibition of the exercise of rights. **Art 444 The use of prohibited means of combat operations** Any person who, during an armed conflict or non-international: a) use poison or weapon poisons, b) use asphyxiating gases, toxic or similar and any liquids, materials or similar processes, c) use weapons causing unnecessary physical suffering, is punished with imprisonment from 7 to 15 years and the prohibition of the exercise of rights. **Art 445 Punishment of attempts** Attempted offenses provided in this title shall be punished.

### **Title XIII - Final**

#### **Article 446 Entry into force**

(1) This Code shall enter into force on the date to be set in law for its implementation, except as par. (2) and (3), which come into force on 4 days its publication in the Official Gazette of Romania, Part I, of this Code.

(2) Law no. 301/2004 - Criminal Code, published in the Official Gazette of Romania, Part I, no. 575 of 29 June 2004, as amended, and Law no. 294/2004 on execution of punishments and measures ordered by the court during the criminal trial, published in the Official Gazette of Romania, Part I, no. 591 of 1 July 2004, as amended, is repealed.

(3) Within 12 months from the date of publication of this Code, the Government will submit to the Parliament a draft law for the enforcement of the Criminal Code.