

Consolidated version valid until 30 September 2018

REPUBLIC OF LITHUANIA

**LAW**  
**ON THE APPROVAL AND ENTRY INTO FORCE OF THE CRIMINAL CODE**

26 September 2000 No VIII-1968  
(As last amended on 21 November 2017 – No XIII-791)

Vilnius

**Article 1. Approval of the Criminal Code of the Republic of Lithuania**

The Seimas hereby approves the Criminal Code of the Republic of Lithuania.

**Article 2. Entry into Force of the Criminal Code of the Republic of Lithuania**

1. The Criminal Code of the Republic of Lithuania shall enter into force concurrently and solely upon co-ordination with the new Code of Criminal Procedure of the Republic of Lithuania and the Penal Code of the Republic of Lithuania.

2. A specific date of the entry into force of all the codes indicated in paragraph 1 of this Article shall be set by a separate law.

**Article 3. Procedure for Implementing the Criminal Code of the Republic of Lithuania**

A procedure for implementing the Criminal Code of the Republic of Lithuania shall be laid down by a separate law.

*I promulgate this Law passed by the Seimas of the Republic of Lithuania.*

PRESIDENT OF THE REPUBLIC

VALDAS ADAMKUS

APPROVED BY  
Law No VIII-1968  
of 26 September 2000

**REPUBLIC OF LITHUANIA**  
**CRIMINAL CODE**

**GENERAL PART**

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1. Purpose of the Criminal Code of the Republic of Lithuania**

1. The Criminal Code of the Republic of Lithuania shall be a uniform criminal law the purpose whereof is to defend, by criminal law means, human and civil rights and freedoms, interests of the public and the State against criminal acts.

2. This Code shall:
  - 1) define the acts which are crimes and misdemeanours and prohibit them;
  - 2) establish penalties, penal and reformative sanctions for the acts provided for by this Code and compulsory medical treatment;
  - 3) establish grounds for and conditions of criminal liability and the grounds for and conditions of releasing the persons who have committed criminal acts from criminal liability or a penalty.
3. The provisions of this Code have been harmonised with provisions of the legal acts of the European Union specified in Annex to this Code.

### **Article 2. Basic Provisions of Criminal Liability**

1. A person shall be held liable under this Code only when the act committed by him is forbidden by a criminal law in force at the time of commission of the criminal act.
2. Ignorance of the law shall not release a person from criminal liability.
3. A person shall be held liable under a criminal law only when he is guilty of commission of a criminal act and only if at the time of commission of the act the conduct of the person could have been reasonably required to conform to the requirements of law.
4. Only a person whose act as committed corresponds to a definition of the body of a crime or misdemeanour provided for by a criminal law shall be liable under the criminal law.
5. Penalties, penal or reformative sanctions and compulsory medical treatment shall be imposed only in accordance with the law.
6. No one may be punished for the same criminal act twice.

## **CHAPTER II VALIDITY OF A CRIMINAL LAW**

### **Article 3. Term of Validity of a Criminal Law**

1. The criminality of an act and punishability of a person shall be determined by a criminal law in force at the time of the commission of that act. The time of the commission of a criminal act shall be the time of an act (or omission) or the time of occurrence of the consequences provided for by the criminal law, where the occurrence of those consequences was desired at a different time.
2. A criminal law nullifying the criminality of an act, commuting a penalty or in otherwise mitigating legal circumstances for the person who committed the criminal act shall have a retroactive effect, i.e., it shall apply to the persons who committed the criminal act prior to the coming into force of such a law, also to the persons serving a sentence and those with previous convictions.
3. A criminal law establishing the criminality of an act, imposing a more severe penalty upon or otherwise aggravating legal circumstances of the person who has committed the criminal act shall have no retroactive effect, with the exception of the provisions of this Code establishing liability for genocide (Article 99), treatment of persons prohibited under international law (Article 100), killing of persons protected under international humanitarian law (Article 101), deportation or transfer of civilians (Article 102), causing bodily harm to, torture or other inhuman treatment of persons protected under international humanitarian law or violation of protection of their property (Article 103), forcible use of civilians or prisoners of war in the armed forces of the enemy (Article 105), destruction of protected objects or plunder of national valuable properties (Article 106), aggression (Article 110), prohibited military attack (Article 111), use of prohibited means of warfare (Article 112), negligent performance of the commander's duties (Article 113<sup>1</sup>).

4. Only the penal or reformatory sanctions as well as medical treatment measures provided for by a criminal law in force at the time of passing of a court judgment shall be imposed. Extended confiscation of property shall be imposed only if it is provided for by a criminal law in force at the time of commission of an act prohibited by this Code.

**Article 4. Validity of a Criminal Law in Respect of the Persons who have Committed Criminal Acts within the Territory of the State of Lithuania or Onboard the Vessels or Aircraft Flying the Flag or Displaying Marks of Registry of the State of Lithuania**

1. The persons who have committed criminal acts within the territory of the State of Lithuania or onboard the vessels or aircraft flying the flag or displaying marks of registry of the State of Lithuania shall be held liable under this Code.

2. The place of commission of a criminal act shall be the place in which a person acted or ought to have acted or could have acted or the place in which the consequences provided for by a criminal law occurred. The place of commission of a criminal act by accomplices shall be the place in which the criminal act was committed or, if one of the accomplices acted elsewhere, the place where he acted.

3. A single criminal act committed both in the territory of the State of Lithuania and abroad shall be considered to have been committed in the territory of the Republic of Lithuania if it was commenced or completed or discontinued in this territory.

4. The issue of criminal liability of the persons who enjoy immunity from criminal jurisdiction under international law and commit a criminal act in the territory of the Republic of Lithuania shall be decided in accordance with international treaties of the Republic of Lithuania and this Code.

**Article 5. Criminal Liability of Citizens of the Republic of Lithuania and Other Permanent Residents of Lithuania for the Crimes Committed Abroad**

Citizens of the Republic of Lithuania and other permanent residents of Lithuania shall be held liable for the crimes committed abroad under this Code.

**Article 6. Criminal Liability of Aliens for the Crimes Committed Abroad against the State of Lithuania**

The aliens who do not have a permanent residence in the Republic of Lithuania shall be liable under a criminal law where they commit crimes abroad against the State of Lithuania as provided for in Articles 114-128 of this Code.

**Article 7. Criminal Liability for the Crimes Provided for in International Treaties**

Persons shall be held liable under this Code regardless of their citizenship and place of residence, also of the place of commission of a crime and whether the act committed is subject to punishment under laws of the place of commission of the crime, where they commit the following crimes subject to liability under international treaties:

- 1) crimes against humanity and war crimes (Articles 99-113<sup>1</sup>);
- 2) trafficking in human beings (Article 147);
- 3) purchase or sale of a child (Article 157);
- 4) production, storage or handling of counterfeit currency or securities (Article 213);
- 5) property laundering (Article 216);
- 6) bribery (Article 225);
- 7) trading in influence (Article 226);

- 8) graft (Article 227);
- 9) piracy (Article 251<sup>1</sup>);
- 10) acts of terrorism and crimes related to terrorist activity (Article 252<sup>1</sup>(1) and (2));
- 11) unlawful handling of nuclear or radioactive materials or other sources of ionising radiation (Articles 256, 256<sup>1</sup> and 257);
- 12) the crimes related to possession of narcotic or psychotropic, toxic or highly active substances (Articles 259-269);
- 13) crimes against the environment (Articles 270, 270<sup>1</sup>, 270<sup>2</sup>, 270<sup>3</sup>, 271, 272 and 274).

### **Article 8. Criminal Liability for the Crimes Committed Abroad**

1. A person who has committed abroad the crimes provided for in Articles 5 and 6 of this Code shall be held criminally liable only where the committed act is recognised as a crime and is punishable under the criminal code of the state of the place of commission of the crime and the Criminal Code of the Republic of Lithuania. Where a person who has committed a crime abroad is prosecuted in the Republic of Lithuania, but a different penalty is provided for this crime in each country, the person shall be subject to a penalty according to laws of the Republic of Lithuania, however it may not exceed the maximum penalty specified in criminal laws of the state of the place of commission of the crime.

2. A person who has committed the crimes provided for in Articles 5, 6, and 7 of the Criminal Code of the Republic of Lithuania shall not be held liable under this Code where he:

- 1) has served the sentence imposed by a foreign court;
- 2) has been released from serving the entire or a part of the sentence imposed by a foreign court;
- 3) has been acquitted or released from criminal liability or punishment by a foreign court's judgment, or no penalty has been imposed by reason of the statute of limitation or on other legal grounds provided for in that state.

3. A citizen of the Republic of Lithuania or another person permanently residing in Lithuania who has committed abroad one or more crimes provided for in Article 149(3) and (4), Article 150(3) and (4), Article 151(2), Article 151<sup>1</sup>, Article 152<sup>1</sup>, Articles 153 and 157, Article 162(1), Article 307(3), Article 308(3) and Article 309(2) and (3) of this Code shall be punishable regardless of whether the committed act is punishable under the criminal law of the state of commission of the crime.

### **Article 9. Extradition**

1. A citizen of the Republic of Lithuania who has committed a criminal act in the Republic of Lithuania or in the territory of another state may be extradited to the foreign state or surrendered to the International Criminal Court solely in accordance with a treaty to which the Republic of Lithuania is party or a resolution of the United Nations Security Council.

2. An alien who has committed a criminal act in the Republic of Lithuania or in the territory of another state shall be extradited to the respective state or surrendered to the International Criminal Court solely in accordance with a treaty to which the Republic of Lithuania is party or a resolution of the United Nations Security Council.

3. It shall be allowed not to extradite a citizen of the Republic of Lithuania or an alien where:

- 1) the committed act is not regarded as a crime or misdemeanour under this Code;
- 2) the criminal act has been committed within the territory of the State of Lithuania;
- 3) the person is being prosecuted for a crime of political nature;

4) the person has been convicted of the committed criminal act, acquitted or released from criminal liability or a penalty;

5) the person may be subject to capital punishment for the committed crime in another state;

6) the statute of limitations for the passing or execution of a judgment of conviction has expired;

7) the person is released from a penalty under an act of amnesty or by granting clemency;

8) there exist other grounds provided for by international treaties of the Republic of Lithuania.

4. The persons who have been granted asylum or temporary protection in accordance with laws of the Republic of Lithuania shall not be punishable under a criminal law of the Republic of Lithuania for the criminal acts for which they were prosecuted abroad and shall not be extradited to foreign states, except in the cases provided for by Article 7 of this Code.

### **Article 9<sup>1</sup>. Surrender of a Person under a European Arrest Warrant**

1. On the basis of the European arrest warrant, a citizen of the Republic of Lithuania or an alien who is suspected of commission of a criminal act in the issuing Member State or who has been imposed a custodial sentence, but has not served it shall be surrendered to the issuing Member State.

2. A citizen of the Republic of Lithuania or an alien shall be surrendered under the European arrest warrant only where the criminal act committed by him is punishable, according to laws of the issuing Member State, by a custodial sentence of at least one year and where the European arrest warrant has been issued in connection with the execution of a custodial sentence which has already been imposed, only where the duration of the sentence imposed is at least four months.

3. A citizen of the Republic of Lithuania or an alien shall not be surrendered to the issuing Member State where:

1) surrender of the person under the European arrest warrant would violate fundamental human rights and/or freedoms;

2) the person has been released in the Republic of Lithuania from penalty for the act which has been committed by him and on which the European arrest warrant is based under an act of amnesty or by granting clemency.

3) the person was convicted in the Republic of Lithuania or another state for the criminal act which he had committed and on which the European arrest warrant is based, and the sentence imposed has been served, is currently being served or may no longer be executed under the law of the sentencing Member State;

4) at the time of commission of a criminal act, the person was not of the age at which the act committed by him becomes subject to criminal liability under criminal laws of the Republic of Lithuania;

5) the act committed does not constitute a crime or misdemeanour under this Code, within the exception of the cases when the European arrest warrant has been issued for the criminal act provided for in paragraph 2 of Article 2 of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, and the criminal laws of the issuing Member State provide for a custodial sentence of at least three years for this criminal act;

6) the person has been acquitted or released from criminal liability or punishment in the Republic of Lithuania or another Member State of the European Union for the criminal act which he has committed and on which the European arrest warrant is based;

7) the European arrest warrant has been issued for a criminal act which falls within the jurisdiction of the Republic of Lithuania under its own criminal law, and the statute of limitation for the passing of a judgment of conviction as provided for in Article 95 of this Code and the statute of limitations for the execution of the judgment of conviction as provided for in Article 96 of this Code have expired;

8) the criminal act has been committed outside the territory of the issuing Member State, and criminal law of the Republic of Lithuania could not apply to the same act where it would have been committed outside the territory of the State of Lithuania or not onboard a ship or aircraft flying the flag or displaying marks of registry of the State of Lithuania.

4. A citizen of the Republic of Lithuania or an alien may, taking into consideration facts of a case and interests of justice, be surrendered to the issuing Member State where:

1) criminal proceedings have been initiated in the Republic of Lithuania in respect of the criminal act which the person has committed and on which the European arrest warrant is based;

2) initiation of criminal proceedings in the Republic of Lithuania in respect of the criminal act committed by the person has been refused, or the criminal proceedings initiated have been terminated;

3) the European arrest warrant has been issued for the purposes of execution of a custodial sentence imposed on a citizen of the Republic of Lithuania or a person permanently residing in the Republic of Lithuania, and the Republic of Lithuania undertakes execution of this sentence;

4) the criminal act has been committed in the territory of the State of Lithuania or onboard a ship or aircraft flying the flag or displaying marks of registry of the State of Lithuania;

5) the European arrest warrant lacks the information required for the taking of a decision on the person's surrender, and the issuing Member State fails to provide it within the time limit laid down.

5. If a European arrest warrant is issued in connection with a custodial sentence imposed on a citizen of the Republic of Lithuania or an alien, and he fails to appear in person in court proceedings and a decision is taken to impose the custodial sentence, the surrender of the citizen of the Republic of Lithuania or the alien may be refused, except where the European arrest warrant indicates that according to requirements of the national legislation of the issuing Member State of the European Union:

1) the person has been timely summoned in person or the person received official information about the date and place of the scheduled hearing of his case in court by other means in such a way that it is clear that he knew about the scheduled hearing in court, also the person was informed that a decision may be rendered in absentia, or

2) the person, having been informed of the scheduled hearing, has authorised his chosen defence counsel or appointed public defender to defend him at the hearing, and the defence counsel/public defender actually defends the person at the hearing, or

3) after the person is served the decision and expressly informed of the right to a retrial or the right to lodge an appeal and to be present at the judgment, with a possibility of re-examining the case, including fresh evidence, on merits, and revoking the original decision, the person expressly states that he does not contest the decision or within a specified time limit does not apply for a retrial or lodge an appeal, or

4) in the case where the person has not been served the decision in person, but the European arrest warrant confirms that, after the person's surrender, this decision will be immediately served in person and the person will be expressly informed of the right to a retrial or the right to lodge an appeal and to be present at the judgment, with a possibility of re-examining the case, including fresh evidence, on merits, and revoking the original

decision, and that the person will be informed of a time limit within which he must apply for a retrial or lodge an appeal, as specified in the European arrest warrant.

6. Where the European arrest warrant has been issued for a criminal act which, under the laws of the issuing Member State, is punishable by life custodial sentence, a citizen of the Republic of Lithuania or an alien shall be surrendered subject to the condition that the laws of the issuing Member State provide for a possibility for the convict to apply for release from such penalty or mitigation thereof not later than upon serving twenty years of the custodial sentence.

7. Where the European arrest warrant has been issued for the purposes of prosecution, a citizen of the Republic of Lithuania or a permanent resident of the Republic of Lithuania may be surrendered subject to the condition that the person against whom the issuing Member State has passed a judgment will be returned to the Republic of Lithuania in order to serve the custodial sentence imposed on him at the request of the person surrendered or where the Prosecutor General's Office of the Republic of Lithuania requires so. This provision does not apply if one or more grounds indicated in the Law of the Republic of Lithuania on Mutual Recognition of Judgments of the European Union Member States in Criminal Matters are established leading to a refusal by the Republic of Lithuania to take charge of the execution of a custodial sentence.

### **CHAPTER III CRIME AND MISDEMEANOUR**

#### **Article 10. Types of Criminal Acts**

Criminal acts shall be divided into crimes and misdemeanours.

#### **Article 11. Crime**

1. A crime shall be a dangerous act (act or omission) forbidden under this Code and punishable with a custodial sentence.

2. Crimes shall be committed with intent and through negligence. Premeditated crimes shall be divided into minor, less serious, serious and grave crimes.

3. A minor crime shall be a premeditated crime punishable, under the criminal law, by a custodial sentence of the maximum duration of three years.

4. A less serious crime shall be a premeditated crime punishable, under the criminal law, by a custodial sentence of the maximum duration in excess of three years, but not exceeding six years in prison.

5. A serious crime shall be a premeditated crime punishable, under the criminal law, by a custodial sentence of the duration in excess of three years, but not exceeding ten years in prison.

6. A grave crime shall be a premeditated crime punishable, under the criminal law, by a custodial sentence of the maximum duration in excess of ten years.

#### **Article 12. Misdemeanour**

A misdemeanour shall be a dangerous act (act or omission) forbidden under this Code which is punishable by a non-custodial sentence, with the exception of arrest.

#### **Article 13. Age for Liability under the Criminal Law**

1. A person who, prior to the time of commission of a crime or misdemeanour, had attained the age of sixteen years or, in the cases provided for in paragraph 2 of this Law, fourteen years shall be considered liable under this Code.

2. A person who, prior to the time of commission of a crime or misdemeanour, had attained the age of fourteen shall be held liable for murder (Article 129), serious

impairment to health (Article 135), rape (Article 149), sexual harassment (Article 150), theft (Article 178), robbery (Article 180), extortion of property (Article 181), destruction of or damage to property (paragraph 2 of Article 187), seizure of a firearm, ammunition, explosives or explosive materials (Article 254), theft, racketeering or other illicit seizure of narcotic or psychotropic substances (Article 263), damage to vehicles or roads and facilities thereof (Article 280).

3. A person who, prior to the time of commission of the dangerous act provided for by this Code, had not attained the age of fourteen years may be subject to reformative sanctions or other measures in accordance with the procedure laid down by laws of the Republic of Lithuania.

#### **Article 14. Forms of Guilt**

A person shall be found guilty of commission of a crime or misdemeanour where he has committed this act with intent or through negligence.

#### **Article 15. Premeditated Crime and Misdemeanour**

1. A crime or misdemeanour shall be premeditated where it has been committed with a specific or general intent.

2. A crime or misdemeanour shall be committed with a specific intent where:

1) when committing it, the person was aware of the dangerous nature of the criminal act and desired to engage therein;

2) when committing it, the person was aware of the dangerous nature of the criminal act, anticipated that his act or omission might cause the consequences provided for by this Code and desired that they arise.

3. A crime or a misdemeanour shall be committed with a general intent where, when committing it, the person was aware of the dangerous nature of the criminal act, anticipated that his act or omission might cause the consequences provided for by this Code and, though he did not desire that they arise, consciously allowed the consequences to arise.

#### **Article 16. Commission of a Crime and Misdemeanour Through Negligence**

1. A crime or misdemeanour shall be committed through negligence where it has been committed through a criminally false assumption or criminal negligence.

2. A crime or a misdemeanour shall be committed through a criminally false assumption if the person who committed the act had anticipated that his act or omission may cause the consequences provided for by this Code, but recklessly expected to avoid them.

3. A crime or a misdemeanour shall be committed through criminal negligence if the person who committed it had not anticipated that his act or omission might cause the consequences provided for by this Code, although the person could and ought to have anticipated such a result based the circumstances of the act and his personal traits.

4. A person shall be punishable for commission of a crime or misdemeanour through negligence solely in the cases provided for separately in the Special Part of this Code.

#### **Article 17. Legal Incapacity**

1. A person shall be considered legally incapacitated where, at the time of commission of an act forbidden under this Code, he was unable to appreciate the dangerous nature of the act or to control his behaviour as a result of a mental disorder.

2. A person found legally incapacitated by a court shall not be held liable under this Code for a committed dangerous act. The court may apply to him the compulsory medical treatment provided for in Article 98 of this Code.

#### **Article 18. Diminished Capacity**

1. A court shall find a person to be of diminished capacity where, at the time of commission of an act forbidden under this Code, he lacked a capacity sufficient to fully appreciate the dangerous nature of the criminal act or to control his behaviour as a result of a mental disorder, even though the disorder is not a sufficient ground for finding him legally incapacitated.

2. A person who has committed a misdemeanour, a negligent or minor or less serious premeditated crime and whom a court finds to be of diminished capacity shall be liable under a criminal law, however, a penalty imposed upon him may be commuted under Article 59 of this Code, or he may be released from criminal liability and be subject to the penal sanctions provided for in Article 67 of this Code or the compulsory medical treatment provided for in Article 98 of this Code.

3. A person who has committed a serious or a grave crime and is found by a court to be of diminished capacity shall be held liable under a criminal law, however a penalty imposed upon him may be commuted under Article 59 of this Code.

#### **Article 19. Person's Liability for a Criminal Act Committed under the Influence of Alcohol, Narcotic, Psychotropic or Other Psychoactive Substances**

1. A person who has committed a criminal act under the influence of alcohol, narcotic, psychotropic or other psychoactive substances shall not be released from criminal liability.

2. A person who committed a misdemeanour, a negligent or minor or less serious premeditated crime as a result of intoxication against his will and hence lacked a capacity sufficient to fully appreciate the dangerous nature of the criminal act or to control his behaviour at the time of his conduct shall be released from criminal liability.

3. A person who has committed a serious or a grave crime under the conditions indicated in paragraph 2 of this Article shall be held liable under a criminal law, however the penalty imposed upon him may be commuted under Article 59 of this Code.

#### **Article 20. Criminal Liability of a Legal Entity**

1. A legal entity shall be held liable solely for the criminal acts the commission whereof is subject to liability of a legal entity as provided for in the Special Part of this Code.

2. A legal entity shall be held liable for the criminal acts committed by a natural person solely where a criminal act was committed for the benefit or in the interests of the legal entity by a natural person acting independently or on behalf of the legal entity, provided that he, while occupying an executive position in the legal entity, was entitled:

- 1) to represent the legal entity, or
- 2) to take decisions on behalf of the legal entity, or
- 3) to control activities of the legal entity.

3. A legal entity may be held liable for criminal acts also where they have been committed by an employee or authorised representative of the legal entity on the instruction or with the permission of or as a result of insufficient supervision or control by the person indicated in paragraph 2 of this Article.

4. A legal entity may be held liable for the criminal acts committed under the conditions indicated in paragraph 2 or 3 of this Article by another legal entity controlled by or representing it, where they have been committed for the benefit of the

abovementioned legal entity on the instruction or with the permission of or as a result of insufficient supervision or control by a person holding a management position therein or a person authorised by him.

5. The criminal liability of a legal entity shall not release from criminal liability a natural person who has committed, organised, instigated or assisted in commission of a criminal act. The criminal liability of a legal entity for a criminal act committed, organised, instigated or assisted in by a natural person for the benefit or in the interests of the legal entity shall not be released by the criminal liability of the natural person, nor by the fact that the natural person is released from criminal liability for this act or is not held liable for other reasons.

6. The State, a municipality, a state and municipal institution and agency as well as an international public organisation shall not be held liable under this Code. The state and municipal enterprises, also the public establishments whose owner or stakeholder the State or a municipality, also the public limited liability companies and private limited liability companies whose shares, in whole or in part, belong by the right of ownership to the State or the municipality shall not be considered as state and municipal institutions and agencies and shall be held liable under this Code.

## **CHAPTER IV STAGES AND FORMS OF A CRIMINAL ACT**

### **Article 21. Preparation for Commission of a Crime**

1. Preparation for the commission of a crime shall be a search for or adaptation of means and instruments, development of an action plan, engagement of accomplices or other intentional creation of the conditions facilitating the commission of the crime. A person shall be held liable solely for preparation to commit a serious or grave crime.

2. A person shall be held liable for preparation to commit a crime according to paragraph 1 of this Article and an article of this Code providing for an appropriate completed crime. A penalty imposed upon such a person may be commuted under Article 62 of this Code.

### **Article 22. Attempt to Commit a Criminal Act**

1. An attempt to commit a criminal act shall be an intentional act or omission which marks the direct commencement of a crime or misdemeanour where the act has not been completed by reason of the circumstances beyond the control the offender.

2. An attempt to commit a criminal act shall also occur when the offender is not aware that his act cannot be completed, because his attempt is directed at an inappropriate target or he is applying improper means.

3. A person shall be held liable for an attempt to commit a criminal act according to paragraph 1 or 2 of this Article and an article of this Code providing for an appropriate completed crime. A penalty imposed upon such a person may be commuted under Article 62 of this Code.

### **Article 23. Voluntary Renunciation of Completion of a Criminal Act**

1. A person shall voluntarily renounce completion of a crime or a misdemeanour when he voluntarily terminates an initiated criminal act while being aware that it can be completed.

2. A person who voluntarily renounces completion of a crime or misdemeanour shall be held liable under this Code solely in cases where the committed act constitutes the body of another crime or misdemeanour.

3. When several persons participate in the commission of a criminal act, the organiser or abettor who voluntarily renounces completion of the act shall not be liable under this Code if he has made every effort within his reasonable power to prevent commission by his accomplices of the criminal act which he had organised or instigated, and this act has not been committed or has not caused any consequences. Moreover, an accessory shall not be held liable under this Code if he voluntarily refused to participate in a criminal act, informed thereof other accomplices or law enforcement institutions and that act has not been committed or it has been committed without his assistance.

4. A person who attempted to voluntarily renounce completion of a crime or misdemeanour, but failed to avoid the criminal act or its consequences shall be held liable under a criminal law, however, a penalty imposed upon him may be commuted under Article 59 of this Code.

#### **Article 24. Complicity and Types of Accomplices**

1. Complicity shall be the intentional joint participation in the commission of a criminal act of two or more conspiring legally capable persons who have attained the age specified in Article 13 of this Code.

2. Accomplices in a criminal act shall include a perpetrator, an organiser, an abettor and an accessory.

3. A perpetrator shall be a person who has committed a criminal act either by himself or by involving legally incapacitated person or the persons who have not yet attained the age specified in Article 13 of this Code or other persons who are not guilty of that act. If the criminal act has been committed by several persons acting together, each of them shall be considered a perpetrator/co-perpetrator.

4. An organiser shall a person who has formed an organised group or a criminal association, has been in charge thereof or has co-ordinated the activities of its members or has prepared a criminal act or has been in charge of commission thereof.

5. An abettor shall be a person who has incited another person to commit a criminal act.

6. An accessory shall be a person who has aided in the commission of a criminal act through counselling, issuing instructions, providing means or removing obstacles, protecting or shielding other accomplices, who has promised in advance to conceal the offender, hide the instruments or means of commission of the criminal act, the traces of the act or the items acquired by criminal means, also a person who has promised in advance to handle the items acquired or produced in the course of the criminal act.

#### **Article 25. Forms of Complicity**

1. Forms of complicity shall be a group of accomplices, an organised group or a criminal association.

2. A group of accomplices shall be one in which two or more persons agree, at any stage of the commission of a criminal act, on the commission, continuation or completion of the criminal act, where at least two of them are perpetrators.

3. An organised group shall be one in which two or more persons agree, at any stage of the commission of a criminal act, on the commission of several crimes or of one less serious, serious or grave crime, and in committing the crime each member of the group performs a certain task or is given a different role.

4. A criminal association shall be one in which three or more persons linked by permanent mutual relations and division of roles or tasks join together for the commission of a joint criminal act – one or several less serious, serious and grave crimes. An anti-state group or organisation and a terrorist group shall be considered equivalent to a criminal association.

### **Article 26. Criminal Liability of Accomplices**

1. Accomplices shall be held liable solely for the criminal acts as committed by the perpetrator which are covered by their intent.

2. Where a perpetrator's criminal act was discontinued at the stage of preparation for commission of or an attempt to commit it, an organiser, an abettor and an accessory shall be held liable for complicity in preparation or attempt to commit the criminal act.

3. Where there are the circumstances eliminating, mitigating or aggravating the liability of one of accomplices, they shall not be taken into account when determining the criminal liability of other accomplices

4. An organiser, an abettor or an accessory shall be held liable under an article of the Code which provides for liability for an act committed by a perpetrator and under Article 24(4), (5) or (6) of this Code.

5. Members of a criminal association shall be held liable under Article 249 of this Code as perpetrators regardless of their roles in the commission of a criminal act which is covered by their intent.

### **Article 27. Repeat Offence**

1. Repeat offence shall mean a situation when a person already convicted for a premeditated crime which he committed after attaining the age of majority, where his prior conviction has not expired yet or has not been expunged in accordance with the procedure laid down by laws, repeatedly commits one or several premeditated crimes. Such a person shall be considered a repeat offender.

2. Repeat offence shall be considered dangerous, and the offender may be recognised as a dangerous repeat offender by a court where this person:

1) commits a new grave crime while having an unexpired conviction for the commission of a grave crime;

2) already being a repeat offender, commits a new grave crime;

3) already being a repeat offender, where at least one of the crimes constituting a repeat offence is a grave crime, commits a new serious crime;

4) commits a new serious crime while having three prior convictions for the commission of serious crimes.

3. When passing a judgment of conviction for the most recent crime, a court may recognise a person as a dangerous repeat offender having regard to the offender's personality, the extent to which criminal intentions have been accomplished, the nature of participation in the commission of crimes and other circumstances of the case.

4. When deciding on the recognition of a person as a dangerous repeat offender, a court shall have no regard to prior convictions for the crimes committed by the person below the age of 18 years, the crimes committed through negligence, the crimes for which conviction has expired or has been expunged, also the crimes committed abroad in the cases provided for in Article 97(9) of this Code.

5. The recognition of a person as a dangerous repeat offender shall no longer be valid if his prior convictions expire or are expunged.

## **CHAPTER V**

### **CIRCUMSTANCES ELIMINATING CRIMINAL LIABILITY**

#### **Article 28. Self-Defence**

1. A person shall have the right to self-defence. He may exercise this right regardless of whether he had the possibility of avoiding the attempt or applying for assistance to other persons or authorities.

2. A person shall not be held liable under this Code where he, while acting within the limits permitted by self-defence, committed an act formally having the features of a crime or misdemeanour provided for in a criminal law when defending himself or another person, property, inviolability of a dwelling, other rights, interests of society or the State against an initiated or imminent dangerous attempt.

3. The limits of self-defence shall be exceeded when a murder is committed or a serious health impairment is caused with a specific intent, where defence has been clearly disproportionate to the nature and dangerousness of an attempt. The limits of self-defence shall not be considered to have been exceeded by reason of extreme confusion or fright caused by the dangerous attempt or an act committed in the course of defence against breaking into a dwelling.

4. A person who has exceeded the limits of self-defence shall be held criminally liable, however a penalty imposed upon him may be commuted under Article 62 of this Code.

### **Article 29. Arrest of a Person Who has Committed a Criminal Act**

1. A person shall not be held liable under this Code for his actions when he causes property damage, a minor health impairment or a serious health impairment through negligence to a person who is actively attempting to escape the arrest by chasing, attempting to stop, preventing the escape or by other actions, and a serious health impairment when arresting on the spot of a crime a person who has committed or attempted to commit a premeditated murder, provided it was not otherwise possible to arrest the person who has committed the criminal act.

2. Actions of a person restraining the resistance of a person who has committed a criminal act shall be subject to the rules for self-defence as stipulated in Article 28 of this Code.

### **Article 30. Discharge of Professional Duty**

1. A person shall not be held liable under this Code for the damage caused in charge of professional duty, provided he has not exceeded the authority granted to him by laws or other legal acts.

2. A person shall be held liable under this Code for the damage caused in charge of professional duty where he has exceeded the authority granted to him by laws or other legal acts, however a penalty imposed upon him may be commuted under Article 59 of this Code.

### **Article 31. Immediate Necessity**

1. A person shall not be held liable under the criminal law for an act committed in an attempt to avert the danger which threatens him, other persons or their rights, public or state interests, where this danger could not have been averted by other means and where the damage caused is less than the damage attempted to be averted.

2. A person who creates a dangerous situation by his actions may invoke the provisions of immediate necessity only when the dangerous situation arose through negligence.

3. A person may not justify a failure to perform a duty by invoking the provisions of immediate necessity, where he is under the obligation to act under the conditions of an increased degree of danger according to his profession, the position held or due to other circumstances.

### **Article 32. Performance of an Assignment of a Law Enforcement Institution**

1. A person who lawfully carries out actions imitating a criminal act shall not be held liable under this Code.

2. A person shall not be held criminally liable where he participated in the activities of a criminal association or an organised group and in the criminal acts committed by it while performing another lawful assignment of a law enforcement institution and did not exceed the limits of this assignment.

3. A person shall be held criminally liable where, while carrying out actions imitating a criminal act or performing another assignment of a law enforcement institution, he exceeded the limits of this assignment, however a penalty imposed upon him may be commuted under Article 59 of this Code.

4. Law enforcement institutions shall be the police, other bodies of pre-trial investigation and the prosecutor's office, also entities of criminal intelligence.

### **Article 33. Execution of an Order**

1. A person shall not be held criminally liable for an act which he committed while executing a lawful order, ordinance or instruction.

2. A person shall be held criminally liable where he executed an order, ordinance or instruction known to be unlawful.

3. A person who refuses to execute an order, ordinance or instruction which is unlawful shall not be held criminally liable. Such a person may be held liable under this Code only if the act committed by him constitutes the body of another criminal act.

### **Article 34. Justifiable Professional or Economic Risk**

1. A person shall not be held liable under this Code for the actions which, although they incur the consequences provided for by a criminal law, have been carried out with a justifiable professional or economic risk and for a publicly beneficial purpose.

2. The risk shall be deemed justifiable where the committed act is in line with the contemporary science and technology, and it was not possible to attain the specified objective by carrying out the actions not involving risk, and where the person taking the risk has taken the necessary precautions to prevent damage to the interests protected by the law.

### **Article 35. Scientific Experiment**

1. A person who incurs damage while conducting a lawful scientific experiment shall not be held liable under this Code where the experiment was conducted in compliance with scientifically approved methods, the problem under investigation is of an exceptional scientific significance and the researcher has taken the necessary precautions to prevent damage to the interests protected by the law.

2. No scientific experiment shall be permitted without the voluntary consent of the person participating in the experiment, who must be informed of the possible consequences.

3. A pregnant woman, her foetus, young child, a mentally ill person and a person in confinement may not be subjected to scientific experiments, with the except of the cases provided for by the law.

## **CHAPTER VI RELEASE FROM CRIMINAL LIABILITY**

### **Article 36. Release from Criminal Liability When a Person or Criminal Act Loses Its Dangerousness**

A person who commits a criminal act shall be released from criminal liability where a court acknowledges that before opening of the hearing of the case in the court this person or the act committed thereby had lost its dangerous character due to a change in circumstances.

**Article 37. Release from Criminal Liability due to Minor Relevance of a Crime**

A person who commits a crime may be released from criminal liability by a court where the act is recognised as being of minor relevance due to the extent of the damage incurred, the object of the crime or other peculiarities of the crime.

**Article 38. Release from Criminal Liability upon Reconciliation between the Offender and the Victim**

1. A person who commits a misdemeanour, a negligent crime or a minor or less serious premeditated crime may be released by a court from criminal liability where:

- 1) he has confessed to commission of the criminal act, and
- 2) voluntarily compensated for or eliminated the damage incurred to a natural or legal person or agreed on the compensation for or elimination of this damage, and
- 3) reconciles with the victim or a representative of a legal person or a state institution, and
- 4) there is a basis for believing that he will not commit new criminal acts.

2. A dangerous repeat offender, also a person who had already been released from criminal liability on the basis of reconciliation with the victim, where less than four years had lapsed from the day of reconciliation until the commission of a new act, may not be released from criminal liability on the grounds provided for in paragraph 1 of this Article.

3. If a person released from criminal liability under paragraph 1 of this Article commits a misdemeanour or a negligent crime within the period of one year or fails, without valid reasons, to comply an agreement approved by a court on the terms and conditions of and procedure for compensating for the damage, the court may revoke its decision on the release from criminal liability and decide to prosecute the person for all the criminal acts committed.

4. If a person released from criminal liability under paragraph 1 of this Article commits a new premeditated crime within the period of one year, the previous decision releasing him from criminal liability shall become invalid and a decision shall be adopted on the prosecution of the person for all the criminal acts committed.

**Article 39. Release from Criminal Liability on the Basis of Mitigating Circumstances**

A person who commits a misdemeanour or a negligent or minor premeditated crime may be released from criminal liability by a reasoned decision of the court where:

- 1) he commits the criminal act for the first time, and
- 2) there are at least two mitigating circumstances provided for in paragraph 1 of Article 59 of this Code, and
- 3) there are no aggravating circumstances.

**Article 39<sup>1</sup>. Release from Criminal Liability When a Person Actively Assisted in Detecting the Criminal Acts Committed by Members of an Organised Group or a Criminal Association**

1. A person who is suspected of participation in the commission of criminal acts by an organised group or a criminal association or belonging to a criminal association may be released from criminal liability where he confesses his participation in the commission of

such a criminal act or his membership of the criminal association and where he actively assists in detecting the criminal acts committed by members of the organised group or the criminal association.

2. Paragraph 1 of this Article shall not apply to a person who participated in the commission of a premeditated murder or who had already been released from criminal liability on such grounds, also to the organiser or leader of an organised group or a criminal association.

#### **Article 40. Release from Criminal Liability on Bail**

1. A person who commits a misdemeanour, a negligent crime or a minor or less serious intentional crime may be released by a court from criminal liability subject to a request by a person worthy of a court's trust to transfer the offender into his responsibility on bail. Bail may be set with or without a surety.

2. A person may be released from criminal liability by a court on bail where:

1) he commits the criminal act for the first time, and

2) he fully confesses his guilt and regrets having committed the criminal act, and

3) at least partly compensates for or eliminates the damage incurred or undertakes to compensate for such where it has been incurred, and

4) there is a basis for believing that he will fully compensate for or eliminate the damage incurred, will comply with laws and will not commit new criminal acts.

3. A bailman may be parents of the offender, close relatives or other persons worthy of a court's trust. When taking a decision, the court shall take account of the bailman's personal traits or nature of activities and a possibility of exerting a positive influence on the offender.

4. The term of bail shall be set from one year up to three years.

5. When requesting to release a person on bail with a surety, a bailman shall undertake to pay a surety in the amount specified by a court. Taking account of a bailman's personal traits and his financial situation, the court shall specify the amount of the surety or decide on release from criminal liability on bail without a surety. The bail bond shall be returned upon the expiry of the term of bail where a person subject to bail does not commit a new criminal act within the term of bail as laid down by the court.

6. A bailman shall have the right to withdraw from bail. In this case, a court shall, taking account of the reasons for a withdrawal from bail, decide on the return of a surety, also on a person's criminal liability for the committed criminal act, appointment of another bailman or the person's release from criminal liability.

7. If a person released from criminal liability on bail commits a new misdemeanour or negligent crime during the term of bail, a court may revoke its decision on the release from criminal liability and shall decide to prosecute the person for all the criminal acts committed.

8. If a person released from criminal liability on bail commits a new premeditated crime during the term of bail, the previous decision releasing him from criminal liability shall become invalid and the court shall decide to prosecute the person for all the criminal acts committed.

## **CHAPTER VII PENALTY**

#### **Article 41. Penalty and Purpose Thereof**

1. A penalty shall be a measure of compulsion applied by the State, which is imposed by a court's judgement upon a person who has committed a crime or misdemeanour.

2. The purpose of a penalty shall be:
  - 1) to prevent persons from committing criminal acts;
  - 2) to punish a person who has committed a criminal act;
  - 3) to deprive the convicted person of the possibility to commit new criminal acts or to restrict such a possibility;
  - 4) to exert an influence on the persons who have served their sentence to ensure that they comply with laws and do not relapse into crime;
  - 5) to ensure implementation of the principle of justice.

#### **Article 42. Types of Penalties**

1. The following penalties may be imposed on a person who commits a crime:
  - 1) community service;
  - 2) a fine;
  - 3) restriction of liberty;
  - 4) arrest;
  - 5) fixed-term custodial sentence;
  - 6) life custodial sentence.
2. The following penalties may be imposed on a person who commits a misdemeanour:
  - 1) community service;
  - 2) a fine;
  - 3) restriction of liberty;
  - 4) arrest.
3. Only one penalty may be imposed on a person for the commission of one crime or misdemeanour.
4. In the cases provided for in Articles 63 and 64 of this Code, two penalties may be imposed.
5. If more than two penalties of a different type are imposed for several committed crimes, a court shall, when imposing a final combined sentence, select two penalties from those imposed: one of them being the most severe penalty, and the other one selected at the discretion of the court.
6. A person who committed a criminal act may, together with a penalty and in accordance with Articles 67, 68, 68<sup>1</sup>, 68<sup>2</sup>, 72, 72<sup>1</sup>, 72<sup>2</sup> and 72<sup>3</sup> of the Code, be imposed one or more of the following penal sanctions - prohibition of the exercise of a special right, deprivation of public rights, deprivation of the right to be employed in a certain position or to engage in certain activities, confiscation of property, the obligation to reside separately from the victim and/or prohibition to approach the victim closer than a prescribed distance, participation in programmes addressing violent behaviour, extended confiscation of property.
7. The types of penalties in respect of legal entities and peculiarities of imposition of penalties upon minors shall be stipulated by Articles 43 and 90 of this Code.

#### **Article 43. Types of Penalties in Respect of Legal Entities**

1. The following penalties may be imposed upon a legal entity for the commission of a criminal act:
  - 1) a fine;
  - 2) restriction of operation of the legal entity;
  - 3) liquidation of the legal entity.
2. Having imposed a penalty upon a legal entity, a court may also decide to announce this judgment in the media. The judgment whereby the court imposes the

penalty upon the legal entity for the crimes provided rfor in Chapter XXXIII of this Code must be announced in the media.

3. Only one penalty may be imposed upon a legal entity for one criminal act.

4. The sanctions of articles of the Special Part of this Code shall not specify the penalties to which legal entities are subject. In imposing a penalty upon a legal entity, a court shall refer the list of penalties specified in paragraph 1 of this Article.

**Article 44.** *Repealed as of 5 July 2011.*

**Article 45.** *Repealed as of 05 July 2011.*

#### **Article 46. Community Service**

1. Community service shall be ordered by a court in the cases provided for in the Special Part of this Code. The penalty of community service may be imposed only with the consent of the convict.

2. Community service may be imposed for a period from one month up to one year. The term of the penalty shall be counted in months. A person sentenced to perform community service shall be under the obligation to work for the community without remuneration from 10 to 40 hours per month during the time period set by the court.

3. The sanction of an article shall not indicate the time of performance and number of hours of community service. This shall be determined by a court when imposing the penalty, however this time may not exceed 480 hours for a crime and 240 hours for a misdemeanour.

4. The service to be performed by the convict shall be selected by the institution executing the penalty assisted by executive institutions of municipalities.

5. Where for objective reasons a person is not able to perform the community service imposed upon him under this Article, a court may release him from this penalty by imposing in lieu thereof a penal sanction provided for in Chapter IX of this Code.

6. Where a person fails, for valid reasons, to perform the required number of hours of community service within a time limit laid down by a court, the court may extend the time limit for performing community service until the person performs the required number of hours.

7. Where a person evades performance of community service, the institution executing the penalty shall warn the convict of possible legal consequences. Where the person continues evading the serving of the penalty of community service upon receiving the warning, a court may, on the recommendation of the institution executing the penalty, replace community service with a fine or arrest. Community service shall be replaced with a fine or arrest in accordance with the rules specified in Articles 47, 49 and 65 of this Code.

8. Where, after a judgement becomes effective, a person refuses to perform community service, a court shall, on the recommendation of the institution executing the penalty, replace community service with a fine or arrest in accordance with the rules specified in Articles 47, 49 and 65 of this Code.

#### **Article 47. Fine**

1. A fine shall be a pecuniary penalty imposed by a court in the cases provided for in the Special Part of this Code.

2. A fine shall be calculated in the amounts of minimum standard of living (MSL).

3. The amounts of a fine shall be determined as follows:

1) for a misdemeanour – in the amount from 15 MSLs up to 500 MSLs;

2) for a minor crime – in the amount from 50 MSLs up to 2 000 MSLs;

3) for a less serious crime – in the amount from 100 MSLs up to 4 000 MSLs;  
4) for a serious crime – in the amount from 150 MSLs up to 6 000 MSLs;  
5) for a grave crime – in the amount from 20 MSLs up to 750 MSLs.  
4. The amount of a fine for a legal entity shall be from 200 MSLs up to 100 000 MSLs.

5. The sanction of an article shall not indicate the amount of a fine for a committed criminal act. It shall be specified by a court when imposing the penalty.

6. A fine imposed for the criminal acts provided for in Chapter XXXIII of this Code may not be lower than the amount of the property damage caused by the subject of a criminal act or the offender or the amount of property benefit received or sought by the offender for himself or for another person. Where there are several criteria for calculating the amount of the fine, the amount of the fine to be imposed shall be calculated on the basis of the criterion whose value, as expressed in money terms, is the highest. Where a fine is imposed in accordance with the rules laid down in this paragraph, the final fine imposed by a court for the criminal acts provided for in Chapter XXXIII of this Code may exceed the maximum amounts of a fine specified in paragraphs 3 and 4 of this Article but may not be lower than the minimum amounts of a fine provided for in paragraphs 3 and 4 of this Article.

7. Where a person does not possess sufficient funds to pay a fine imposed by a court, the court may, in compliance with the rules stipulated in Article 65 of this Code and subject to the convict's consent, replace this penalty with community service.

8. Where a person evades voluntary payment of a fine and it is not possible to recover it, a court may replace the fine with arrest. When replacing the fine with arrest, the court shall act in compliance with the rules stipulated in Article 65 of this Code.

#### **Article 48. Restriction of Liberty**

1. The penalty of restriction of liberty shall be imposed by a court in the cases provided for in the Special Part of this Code.

2. Restriction of liberty may be imposed for a period from three months up to two years. The term of the penalty shall be counted in years and months.

3. The persons sentenced to restriction of liberty shall be under the obligation:

1) not to change their place of residence without giving a notice to the institution executing the penalty;

2) to comply with mandatory and prohibitive injunctions of the court;

3) to give an account, in accordance with the established procedure, of compliance with the prohibitive and mandatory injunctions.

4. A court may impose one or more prohibitive or mandatory injunctions in respect of a person upon whom the penalty of restriction of liberty has been imposed.

5. A court may impose the following prohibitive injunctions:

1) to refrain from visiting certain places;

2) to refrain from communicating with certain individuals or groups of individuals;

3) not to own, use, acquire, store on one's own or transfer for safekeeping to other persons certain items.

6. A court may impose the following mandatory injunctions:

1) to stay at home at a certain time;

2) to compensate, fully or in part, for the property damage incurred by a criminal act or to eliminate such damage with his own work;

3) to take up employment or register at a labour exchange, to study;

4) to undergo a treatment against alcohol addiction, drug addiction, addiction to toxic substances or a sexually transmitted disease, where the convict agrees therefor;

5) to work for no remuneration for up to 200 hours within a period laid down by a court, but not exceeding the term of restriction of liberty at health care, social care and guardianship establishments or non-state organisations caring for the disabled, the aged or other persons in need of assistance.

7. At the request of a person or other participants in criminal proceedings, a court may impose upon him other prohibitive or mandatory injunctions not provided for under a criminal law in place of those indicated in paragraphs 5 and 6 of this Article, where, in the opinion of the court, this would have a positive effect on his behaviour.

8. The number of prohibitive and mandatory injunctions imposed by a court in respect of the convict shall not be specified, however they must be coordinated.

9. Where for objective reasons the convict is not able to comply with the specified mandatory injunctions, a court may, on the recommendation of the institution executing the penalty, release him from this penalty and impose in its place a penal sanction provided for in Chapter IX of this Codes.

10. Where a person evades the serving of the penalty of restriction of liberty, this penalty shall be replaced with arrest in accordance with the rules specified in Articles 49 and 65 of this Code.

#### **Article 49. Arrest**

1. Arrest shall be imposed by a court in the cases provided for in the Special Part of this Code.

2. Arrest shall mean a short-term custodial sentence served in a short-term detention facility. The term of arrest shall be counted in days.

3. Arrest shall be imposed for a period from 15 up to 90 days for a crime and from 10 to 45 days for a misdemeanour.

4. The term of arrest for a criminal act shall not be indicated in the sanction of an article. It shall be specified by a court when imposing the penalty.

5. If arrest is imposed for a period of 45 days or less, a court may order to serve it on days of rest. Where a person violates this procedure for serving arrest, the court may decide that the procedure be changed to the regular procedure for serving arrest.

6. Arrest shall not be imposed upon pregnant women and may be not imposed upon the persons raising a child under the age of 3 years taking into consideration interests of the child.

#### **Article 50. Fixed-term Custodial Sentence**

1. A fixed-term custodial sentence shall be imposed by a court in the cases provided for in the Special Part of this Code. The term of the penalty shall be counted in years, months and days.

2. The penalty of a fixed-term custodial sentence may be imposed for a period from three months up to ten years. In the case of imposing the penalty according to Article 64 of this Code, when a new crime is committed before a sentence for the previous crime is served, a custodial sentence for a period of up to 25 years may be imposed.

3. Convicted persons shall serve a custodial sentence in open colonies, houses of correction and prisons. The place where the penalty is to be served shall be selected by a court taking into consideration the personality of the offender, the nature and dangerousness of the committed crime. The procedure for and conditions of serving the custodial sentence shall be laid down by the Penal Code.

#### **Article 51. Life Custodial Sentence**

1. The penalty of life custodial sentence shall be imposed by a court in the cases provided for in the Special Part of this Code.

2. If a criminal law provides for a possibility of commutation of the penalty of a life custodial sentence, the custodial sentence may be commuted to a term of not less than 25 years.

3. Convicted persons shall serve the penalty of a life custodial sentence in a prison. Having served the first ten years of the life custodial sentence, convicted persons may, in the cases and in accordance with the procedure laid down by laws, be transferred to a house of correction. The procedure for and conditions of serving the penalty of a life custodial sentence shall be laid down by the Penal Code.

#### **Article 52. Restriction of Operation of a Legal Entity**

1. When imposing the penalty of restriction of operation of a legal entity, a court shall prohibit the legal entity from engaging in certain activities or order it to close a certain division of the legal entity.

2. Operation of a legal entity may be restricted for a period from one year up to five years. The term of this penalty shall be counted in years and months.

#### **Article 53. Liquidation of a Legal Entity**

When imposing the penalty of liquidation of a legal entity, a court shall order the legal entity to terminate, within the time limit laid down by the court, the entire economic, commercial, financial or professional activity and to close all divisions of the legal entity.

### **CHAPTER VIII IMPOSITION OF A PENALTY**

#### **Article 54. Basic Principles of Imposition of a Penalty**

1. A court shall impose a penalty according to the sanction of an article of the Special Part of this Code providing for liability for a committed criminal act and in compliance with provisions of the General Part of this Code.

2. When imposing a penalty, a court shall take into consideration:

1) the degree of dangerousness of a committed criminal act;

2) the form and type of guilt;

3) the motives and objectives of the committed criminal act;

4) the stage of the criminal act;

5) the personality of the offender;

6) the form and type of participation of the person as an accomplice in the commission of the criminal act;

7) mitigating and aggravating circumstances;

8) the damage caused by the criminal act.

3. Where imposition of the penalty provided for in the sanction of an article is evidently in contravention to the principle of justice, a court may, taking into consideration the purpose of the penalty, impose a commuted penalty subject to a reasoned decision.

#### **Article 55. Imposition of a Penalty upon a Person Prosecuted for the First Time for a Negligent or Minor or Less Serious Premeditated Crime**

The court shall generally impose a non-custodial sentence upon a person prosecuted for the first time for a negligent or minor or less serious premeditated crime. In the event of imposition of a custodial sentence, the court must justify its decision.

#### **Article 56. Imposition of a Penalty upon a Dangerous Repeat Offender for the Commission of a Premeditated Crime**

For the commission of a premeditated crime, a dangerous repeat offender shall be imposed a penalty more severe than the average custodial sentence prescribed by the sanction of an article for the committed crime. Another penalty may be imposed upon a dangerous repeat offender only on the grounds provided for in Article 62 of this Code.

**Article 57. Imposition of a Penalty for Preparation for Commission of and an Attempt to Commit a Criminal Act**

1. A penalty for preparation for commission of or an attempt to commit a crime or a misdemeanour shall be imposed according to the general procedure and having regard to the dangerousness of the actions performed by the offender, the degree of accomplishment of the criminal intent and the reasons for which the criminal act was not accomplished.

2. Preparation for commission of or an attempt to commit a criminal act may, based on Article 62 of this Code, be subject to a more lenient penalty than the one provided for the completed criminal act.

**Article 58. Imposition of a Penalty upon Accomplices in a Criminal Act**

1. A penalty shall be imposed upon accomplices in a crime or misdemeanour in accordance with the general procedure and taking into consideration the type and form of participation of the person as an accomplice in the commission of the criminal act as well as the role and nature of participation therein.

2. Members of an organised group for the commission of a crime shall be generally imposed a more severe penalty than to members of a group of accomplices.

**Article 59. Mitigating Circumstances**

1. The following shall be considered as mitigating circumstances:

1) the offender has provided assistance to the victim or otherwise actively avoided or attempted to avoid more serious consequences;

2) the offender has confessed to commission of an act provided for by a criminal law and sincerely regrets or has assisted in the detection of this act or identification of the persons who participated therein;

3) the offender has voluntarily compensated for or eliminated the damage incurred;

4) the criminal act has been committed due to a very difficult financial condition or desperate situation of the offender;

5) the act has been committed as a result of mental or physical coercion, where such a coercion does not eliminate criminal liability;

6) the commission of the act has been influenced by a provoking or venturesome behaviour of the victim;

7) the act has been committed at the request of the victim, who is in a desperate situation;

8) the act has been committed in violation of conditions of arrest of a person who has committed the criminal act, direct necessity, discharge of professional duty or performance of an assignment of law enforcement institutions, conditions of industrial or economic risk or lawfulness of a scientific experiment;

9) the act has been committed by exceeding the limits of self-defence, where a criminal law provides for liability for exceeding the limits of self-defence;

10) the act has been committed in a state of extreme agitation caused by unlawful actions of the victim;

11) the act has been committed by a person of diminished legal capacity;

12) the act has been committed by a person intoxicated by alcohol or drugs against his will;

13) a voluntary attempt to renounce commission of the criminal act has been unsuccessful.

2. A court may also recognise as mitigating other circumstances which have not been indicated in paragraph 1 of this Article.

3. When imposing a penalty, a court shall not take into consideration a mitigating circumstance which is provided for in a law as constituting the body of a crime.

#### **Article 60. Aggravating Circumstances**

1. The following shall be considered as aggravating circumstances:

1) the act has been committed by a group of accomplices. Taking into consideration the nature and extent of participation of each accomplice in the commission of the criminal act, a court shall have the right not to recognise this circumstance as aggravating;

2) the act has been committed by an organised group;

3) the act has been committed by reason of disorderly conduct or for mercenary reasons;

4) the act has been committed by torturing the victim or subjecting him to taunting;

5) the act has been committed against a young child;

6) the act has been committed against a person who, due to an illness, disability, old age or for other reasons, was in a helpless state, without his request, or the act has been committed against a minor taking advantage of his dependency or through abuse of trust, authority or influence;

7) the act has been committed against a woman known to be pregnant;

8) the act has been committed by taking advantage of a public or other person's disaster;

9) the act has been committed by a person under the influence of alcohol, narcotic, psychotropic or other psychoactive substances, where these circumstances influenced the commission of the criminal act;

10) the act has been committed in a publicly dangerous manner or by using explosives, explosive materials or firearms;

11) the committed act has inflicted serious damage or a real threat to the victim's life;

12) the act has been committed in order to express hatred towards a group of persons or a person belonging thereto on grounds of age, sex, sexual orientation, disability, race, nationality, language, descent, social status, religion, convictions or views;

13) the act has been committed by a repeat offender.

2. When imposing a penalty, a court shall not take into consideration an aggravating circumstance which is provided for in a law as constituting the body of a crime.

#### **Article 61. Imposition of a Penalty in the Presence of Mitigating and/or Aggravating Circumstances**

1. When imposing a penalty, a court shall take into consideration whether only mitigating circumstances or only aggravating circumstances, or both mitigating and aggravating circumstances have been established and shall assess the relevance of each circumstance.

2. Having assessed mitigating and/or aggravating circumstances, the amount, nature and interrelation thereof, also other circumstances indicated in paragraph 2 of Article 54, a court shall make a reasoned choice of a more lenient or more severe type of a penalty as well as the measure of the penalty with reference to the average penalty.

3. The average penalty provided for by a law shall be determined as the aggregate of the minimum and maximum measure of a penalty provided for in the sanction of an article, which is subsequently divided by half. Where the sanction of the article prescribes no minimum measure of a penalty for a committed criminal act, the average penalty shall be determined on the basis of the minimum measure of a penalty fixed for that type of penalties.

4. Where the offender voluntarily confesses to commission of a crime, sincerely regrets it and actively assists in the detection of the crime as well as there are no aggravating circumstances, a court shall impose upon him a custodial sentence not exceeding the average penalty provided for in the sanction of an article for the committed crime or a non-custodial sentence.

5. A court may impose a custodial sentence not exceeding the average penalty provided for in the sanction of an article for the committed crime upon a person who participated in the commission of a premeditated murder, where he makes a confession regarding all the criminal acts committed by him and actively assists in the detection of the premeditated murder committed by members of an organised group or a criminal association.

6. Paragraph 5 of this Article shall not apply to the organiser or leader of a premeditated murder, organised group or criminal association.

#### **Article 62. Imposition of a More Lenient Penalty than Provided for by a Law**

1. Where, a person who has committed a criminal act freely and voluntarily gives himself up or reports this act, confesses to commission thereof and sincerely regrets and/or assists pre-trial investigators and a court in detecting the criminal act and has fully or partially compensated for or eliminated the incurred property damage, a court may, having considered all the circumstances of the case, impose for every criminal act a more lenient penalty than provided for by a law.

2. Having considered all the circumstances of a case, a court may impose for every criminal act a more lenient penalty than provided for by a law also in the presence of mitigating circumstances, at least partial compensation for or elimination of property damage, if any has been incurred, and where:

1) the offender maintains the persons suffering from a grave illness or are disabled and no one else can look after them, or

2) the offender maintains young children and there would be no one to look after them if the penalty provided for by a law was imposed; or

3) the offender as an accomplice had only a secondary role in the commission of the criminal act; or

4) the act was discontinued at the stage of preparation to commit the crime or at the stage of an attempt to commit the criminal act; or

5) the act has been committed by exceeding the limits of self-defence, or

6) the act has been committed in violation of conditions of arrest of the person who has committed the criminal act, direct necessity, discharge of professional duty or performance of an assignment of law enforcement institutions, conditions of industrial or economic risk or lawfulness of a scientific experiment.

3. In the presence of the conditions indicated in paragraphs 1 and 2 of this Article, a court may:

1) impose a more lenient penalty than the minimum penalty provided for in the sanction of an article for a criminal act committed; or

2) impose a more lenient penalty than stipulated in Article 47(3), (4) and (6), Article 56 and Article 90(3) of this Code, or

3) impose a more lenient type of penalty than provided for in the sanction of an article for a criminal act committed.

4. A court may also, according to paragraph 3 of this Article, impose a more lenient penalty than provided for by a law upon a person who participated in the commission of a premeditated murder, where he makes a confession regarding all the criminal acts committed by him and actively assists in detecting a premeditated murder committed by members of an organised group or criminal association and where:

- 1) the murder has been committed as a result of a threat or coercion; or
- 2) the offender as an accomplice had only a secondary role in the commission of the murder, or
- 3) the act has been discontinued at the stage of preparation for the commission of the murder or at the stage of attempting to commit the murder.

### **Article 63. Imposition of a Penalty for the Commission of Several Criminal Acts**

1. Where several criminal acts have been committed, a court shall impose a penalty for each criminal act separately and subsequently impose a final combined sentence. When imposing a final combined sentence, the court may impose either a consolidated sentence or a fully or partially cumulative sentence.

2. Where a consolidated sentence is imposed, a more severe penalty shall cover a more lenient penalty and the final combined sentence shall be equal to the most severe penalty imposed for all the separate criminal acts.

3. Where a fully cumulative sentence is imposed, all more lenient sentences which have been imposed shall be added to the most severe penalty imposed for one of the committed criminal acts.

4. Where a partially cumulative sentence is imposed, more lenient penalties shall be added in part to the most severe penalty imposed for one of the committed criminal acts and reasons for selecting each of the parts of the penalty to be added shall be indicated. A part of the penalty to be added may not be below the minimum level of a penalty of that type, with the exception of the cases when the part of a sentence not served yet which is to be added is below the minimum level of the penalty.

5. A court shall impose a consolidated sentence where:

- 1) there is a full concurrence of criminal acts;
- 2) where the committed criminal acts differ markedly in their degree of dangerousness and are assigned to different types or categories of criminal acts according to Articles 10 or 11 of this Code;

3) where a custodial sentence for a period of twenty years or life custodial sentence has been imposed for the commission of one of the criminal acts.

6. Where imposing a final sentence a part of the imposed sentences may be consolidated, whereas others may only be fully or partially accumulated, a court shall combine sentences by way of consolidation and accumulation of sentences. A court shall make a choice of the procedure for combining sentences upon assessing the nature and dangerousness of the committed criminal acts.

7. When a penalty is imposed on the grounds provided for in paragraph 1 of this Article, a final combined sentence may not exceed a twenty-year custodial sentence, whereas in the cases when a penalty of another type is imposed, with the exception of a fine, the penalty may not exceed the maximum level of a penalty established for this type of a penalty in this Code.

8. A court may not impose a combined sentence of a type which has not been imposed for the individual criminal acts.

9. A penalty shall be imposed according to the rules stipulated in this Article also in the cases when following the passing of a judgment it is established that a person had committed another crime or misdemeanour prior to the passing of the judgment in the first case. In this case, the sentence fully or partially served under the previous judgment shall be included in the term of the sentence.

10. A person shall not be considered to have committed several criminal acts where he has committed a continuous criminal act.

#### **Article 64. Imposition of a Penalty in the Event of Commission of a New Criminal Act before a Sentence is Served**

1. Where a convicted person commits a new criminal act before serving an imposed sentence, or where a person who has been given a suspended sentence commits a new criminal act during the period of suspension of the sentence, a court shall impose a combined sentence upon imposing a penalty for the new crime or misdemeanour. When imposing a combined sentence, the court may impose a fully or partially cumulative sentence.

2. When imposing a fully cumulative sentence, a court shall add the entire part of the sentence not served yet to a penalty imposed by a new judgment.

3. When imposing a partially cumulative sentence, a court shall add a part of the sentence not served yet to a penalty imposed by a new judgment. Where the part of the sentence not served yet is larger, a part of the penalty imposed by the new judgment shall be added to the former part. A part of the penalty to be added may not be below the minimum level of a penalty of that type, with the exception of the cases when the part of a sentence not served yet which is to be added is below the minimum level of the penalty.

4. When a penalty is imposed on the grounds provided for in paragraph 1 of this Article, a combined sentence may not exceed a twenty-five-year custodial sentence, whereas in the cases when a penalty of another type is imposed, the penalty may not exceed the maximum level of a penalty established for this type of a penalty in this Code.

5. Where a penalty of a life custodial sentence is imposed for one of the crimes committed, sentences shall be combined by consolidation and the combined sentence shall be a life custodial sentence.

#### **Article 64<sup>1</sup>. Imposition of a Penalty upon Hearing a Case under the Simplified Procedure or upon Conducting a Summary Examination of Evidence**

1. Upon hearing a criminal case under the accelerated procedure or upon conducting a summary examination of evidence, also when criminal proceedings are terminated by a penal order, the convict shall be imposed a penalty which, by the same judgment, shall be reduced by one-third.

2. The rule specified in paragraph 1 of this Article shall apply solely in cases when a person pleads guilty.

#### **Article 65. Rules of Cumulation of Sentences and Replacement of Penalties**

1. The cumulation of imposed sentences as well as replacement of some penalties with others shall be governed by the following rules:

- 1) a one-day custodial sentence shall be held equivalent to:
  - a) one day of arrest (1:1);
  - b) two days of restriction of liberty (1:2);
- 2) one day of arrest shall be held equivalent to:
  - a) a fine in the amount of 2 MSLs (1:2);
  - b) six hours of community service (1:6);
  - c) two days of restriction of liberty (1:2);

3) one day of restriction of liberty shall be held equivalent to:  
a) three hours of community service (1:3);  
b) a fine in the amount of 1 MSL (1:1);  
4) a fine in the amount of 1 MSL shall be held equivalent to six hours of community service.

2. When imposing a combined sentence in the cases provided for in Articles 63 and 64 of this Code, a court shall replace a more severe penalty with a more lenient one. A fine may not be substituted and shall be imposed in conjunction with another penalty. Double replacement of penalties shall be prohibited.

#### **Article 66. Inclusion of the Period of Remand in a Penalty Imposed**

1. When imposing a penalty upon a person subject to remand/arrest, a court must include this period in the term of an imposed penalty.

2. The period of remand/arrest shall be included in the term of an imposed penalty in accordance with the rules set forth in paragraph 1 of Article 65 of this Code, where one day of remand/arrest shall be held equivalent to a one-day custodial sentence or arrest, a fine in the amount of two MSLs, six hours of community service, two days of restriction of liberty.

### **CHAPTER IX PENAL SANCTIONS AND IMPOSITION THEREOF**

#### **Article 67. Purpose and Types of Penal Sanctions**

1. Penal sanctions must assist in implementing the purpose of a penalty.

2. An adult person released from criminal liability on the grounds provided for in Chapter VI of this Code or released from a penalty on the grounds provided for in Chapter X of this Code or released on bail from a correctional institution on the grounds provided for in Chapter XI of the Penal Code of the Republic of Lithuania may be subject to the following penal sanctions:

- 1) prohibition to exercise a special right;
- 2) deprivation of public rights;
- 3) deprivation of the right to be employed in a certain position or to engage in a certain type of activities;
- 4) compensation for or elimination of property damage;
- 5) unpaid work;
- 6) payment of a contribution to the fund of crime victims;
- 7) confiscation of property;
- 8) the obligation to reside separately from the victim and/or prohibition to approach the victim closer than a prescribed distance;
- 9) participation in the programmes correcting violent behaviour;
- 10) extended confiscation of property.

3. Prohibition to exercise a special right, deprivation of public rights, deprivation of the right to be employed in a certain position or to engage in a certain type of activities, confiscation of property, the obligation to reside separately from the victim and/or prohibition to approach the victim closer than a prescribed distance, participation in the programmes addressing violent behaviour and extended confiscation of property may be imposed together with a penalty.

4. A minor released from criminal liability on the grounds provided for in Chapter VI or Chapter XI of this Code or released from a penalty on the grounds provided for in Chapter X of this Code may be subject to extended confiscation of property.

5. A legal entity may be subject to confiscation of property or extended confiscation of property.

6. When imposing two or more penal sanctions, the compatibility of the sanctions and the possibility of their corrective effect upon the convicted person must be taken into consideration.

#### **Article 68. Prohibition to Exercise a Special Right**

1. A court may prohibit a person from exercising special rights (the right to drive land vehicles, air- or water-borne vehicles, the right to hold and carry a weapon, the right to hunt, the right to fish, etc.) in the cases when a person committed a criminal act while exercising these rights.

2. A court shall prohibit to exercise special rights for a period from one year up to three years. The term shall be counted in years, months and days.

3. When prohibiting a person from exercising special rights, a court shall specify which right or rights he is prohibited from exercising as well as the term of validity of such a prohibition.

4. Prohibition to exercise a special right, if imposed together with a penalty of a custodial sentence or arrest, shall apply over the entire term of a custodial sentence or arrest and a period following the custodial sentence or arrest as specified by the court.

#### **Article 68<sup>1</sup>. Deprivation of Public Rights**

1. Deprivation of public rights shall be deprivation of the right to be elected or appointed to an elected or appointed position at state or municipal institutions and agencies, undertakings or non-state organisations.

2. The court shall impose deprivation of public rights in the cases when a criminal act is committed in abuse of public rights.

3. Public rights may be deprived for a period from one year up to five years. Public rights may be deprived for the less serious and serious crimes provided for in Chapter XXXIII of this Code for a period from three up to seven years. When imposing deprivation of public rights, the court shall indicate the right which is deprived and a specific time limit for this penal sanction. The term shall be counted in years, months and days.

4. Prohibition to exercise a special right, if imposed together with a penalty of a custodial sentence or arrest, shall apply over the entire term of custodial sentence or arrest and a period following the custodial sentence or arrest as specified by the court.

#### **Article 68<sup>2</sup>. Deprivation of the Right to be Employed in a Certain Position or to Engage in a Certain Type of Activities**

1. The court shall order deprivation of the right to be employed in a certain position or to engage in a certain type of activities in the cases when a person commits a criminal act in the field of his occupational or professional activities or where, having regard to the nature of the criminal act committed, the court comes to the conclusion that the person may not preserve the right to be employed in a certain position or to engage in a certain type of activities.

2. The right to be employed in a certain position or to engage in a certain type of activities may be deprived for a period from one year up to five years. The right to be employed in a certain position or to engage in a certain type activities may be deprived for the less serious and serious crimes provided for in Chapter XXXIII of this Code for a period from three years up to seven years. When ordering deprivation of the right to be employed in a certain position or to engage in a certain type of activities, the court shall

indicate the term of this criminal sanction. The term shall be counted in years, months and days.

3. Deprivation of the right to be employed in a certain position or to engage in a certain type of activities, if imposed in conjunction with a custodial sentence or arrest, shall be imposed for the entire term of the custodial sentence or arrest and for a period ordered by the court to commence after the term of the custodial sentence or arrest has been served.

#### **Article 69. Compensation for or Elimination of Property Damage**

1. The court shall order compensation for or elimination of property damage when damage has been caused to a person, property or the natural environment as a result a crime or misdemeanour.

2. The amounts received by the victim from insurance or other institutions to cover the damage incurred shall not be included in the amount of the damage to be compensated for.

3. Damage must be compensated for or eliminated within a time limit laid down by the court.

#### **Article 70. Unpaid Work**

1. The court shall order performance of 20 up to 100 hours of unpaid work at health care, social care and guardianship or other state or non-state bodies and organisations. When imposing unpaid work, the court shall lay down a time limit for performance thereof. This term may not be longer than one year.

2. Unpaid work shall be performed only subject to the consent of a person.

#### **Article 71. Payment of a Contribution to the Fund of Crime Victims**

A court may order payment of a contribution in the amount from 5 MSLs up to 125 MSLs to the fund of crime victims. The contribution must be paid within a time limit laid down by the court. This term may not be longer than three years.

#### **Article 72. Confiscation of Property**

1. Confiscation of property shall be the compulsory uncompensated taking into the ownership of a state of any form of property subject to confiscation and held by the offender or other persons.

2. An instrument or a means used to commit an act prohibited by this Code or the result of such an act shall be considered as property subject to confiscation. The property of any form directly or indirectly obtained/derived from the act prohibited by this Code shall be considered as the result of the act.

3. The property held by the offender and being subject to confiscation must be confiscated in all cases.

4. The property held by another natural or legal person and being subject to confiscation shall be confiscated irrespective of whether the person has been convicted of the commission of an act prohibited by this Code, where:

1) when transferring the property to the offender or other persons, he was, or ought to have been, aware that this property would be used for the commission of the act prohibited by this Code;

2) the property has been transferred thereto under a fake transaction;

3) the property has been transferred thereto as to a family member or close relative of the offender;

4) the property has been transferred to him as to a legal person, and the offender, his family members or close relatives is/are the legal person's manager, a member of its

management body or participants holding at least fifty percent of the legal person's shares (member shares, contributions, etc.);

5) when acquiring the property, he or the persons holding executive positions in the legal person and being entitled to represent it, to make decisions on behalf of the legal person or to control the activities of the legal person was/were, or ought and could have been, aware that the property is an instrument or a means used to commit an act prohibited by this Code or the result of such an act.

5. Where the property which is subject to confiscation has been concealed, consumed, belongs to third parties or cannot be taken for other reasons or confiscation of this property would not be appropriate, the court shall recover from the offender or other persons indicated in paragraph 4 of this Article a sum of money equivalent to the value of the property subject to confiscation.

6. When ordering confiscation of property, the court must specify the items subject to confiscation or the monetary value of the property subject to confiscation.

### **Article 72<sup>1</sup>. Obligation to Reside Separately from the Victim and/or Prohibition to Approach the Victim Closer than a Prescribed Distance**

1. The court may impose the obligation to reside separately from the victim and/or prohibition to approach the victim closer than a prescribed distance where this is necessary with a view to protecting the legitimate interests of the victim.

2. Upon imposition of the obligation to reside separately from the victim and/or prohibition to approach the victim closer than a prescribed distance, the offender shall be prohibited, until the expiry of a time limit laid down by the court, from communicating in any form and seeking contacts with the victim and visiting the indicated places at which the victim is usually present.

### **Article 72<sup>2</sup>. Participation in the Programmes Addressing Violent Behaviour**

The court shall place under the obligation to participate in violence correction programmes the persons who have committed criminal acts in respect of a close relative or family member. This obligation must be complied with within a time limit laid down by the court.

### **Article 72<sup>3</sup>. Extended Confiscation of Property**

1. Extended confiscation of property shall be the taking into ownership of the State of the property of the offender or part thereof disproportionate to the legitimate income of the offender, where there are grounds for believing that the property has been obtained by criminal means.

2. Extended confiscation of property shall be imposed provided that all of the following conditions are met:

1) the offender has been convicted of a less serious, serious or grave premeditated crime from which he obtained, or could have obtained, material gain;

2) the offender holds the property acquired during the commission of an act prohibited by this Code, after the commission thereof or within the period of five years prior to the commission thereof, whose value does not correspond to the offender's legitimate income, and the difference is greater than 250 minimum standards of living (MSLs) or transfers such property to other persons within the period specified in this point;

3) the offender fails, in the course of criminal proceedings, to provide proof of the legitimacy of acquisition of the property.

3. The property referred to in paragraph 2 of this Article and being subject to confiscation, if it has been transferred to another natural or legal person, shall be confiscated from this person, where at least one of the following grounds exists:

- 1) the property has been transferred under a fake transaction;
- 2) the property has been transferred to the offender's family members or close relatives;
- 3) the property has been transferred to to a legal person, and the offender, his family members or close relatives is/are the legal person's manager, a member of its management body or participants holding at least fifty percent of the legal person's shares (member shares, contributions, etc.);
- 4) the person whereto the property has been transferred or the persons holding executive positions in the legal person and being entitled to represent it, to make decisions on behalf of the legal person or to control the activities of the legal person was/were, or ought and could have been, aware that the property has been obtained by criminal means or with illicit funds of the offender.

4. The extended confiscation of property provided for in this Article may not be imposed on the property of the offender or third parties or part thereof if it is not recoverable under international treaties of the Republic of Lithuania and provisions of the Code of Civil Procedure of the Republic of Lithuania and other laws.

5. Where the property, or part thereof, which is subject to confiscation has been concealed, consumed, belongs to third parties or cannot be taken for other reasons or confiscation of this property would not be appropriate, the court shall recover from the offender or other persons indicated in paragraph 3 of this Article a sum of money equivalent to the value of the property subject to confiscation.

6. When ordering extended confiscation of property, the court must specify the items subject to confiscation or the monetary value of the property or part thereof subject to confiscation.

### **Article 73. Imposition of Penal Sanctions**

1. The court shall impose penal sanctions in compliance with provisions of this Chapter.

2. Penal sanctions shall not be combined with penalties and shall be executed separately.

### **Article 74. Legal Consequences of Non-Compliance with Penal Sanctions**

1. Any penal sanction imposed by a court and provided for in Article 67(2)(4), (5) and (6) of this Code which the person cannot comply with for valid reasons may, at his request, be replaced with another penal sanction. Where the person does not give his consent to perform unpaid work following the coming into effect of a court judgment, the court shall, on the recommendation of the institution executing the penal sanction, replace unpaid work with another penal sanction.

2. In respect of a person who evades compliance with a penal sanction imposed upon him (with the exception of property confiscation), the court may, on the recommendation of the institution executing the penalty, impose a penalty according to Article 243 of this Code. In this case, imposition of the penalty shall not release the convict from the duty to comply with the imposed penal sanction.

## **CHAPTER X SUSPENSION OF THE EXECUTION OF A SENTENCE AND RELEASE FROM A PENALTY**

### **Article 75. Suspension of the Execution of a Sentence**

1. Where a person is subject to a custodial sentence for a term of up to six years for one or several crimes committed through negligence or to a custodial sentence for a term of up to four years for the commission of one or several minor crimes or less serious premeditated crimes, the court may suspend the execution of the imposed sentence for a period ranging from one year up to three years. The execution of the sentence may be suspended where the court rules that there is a reasonable ground for believing that the purpose of the penalty will be achieved without the sentence actually being served.

2. In suspending the execution of the sentence, the court shall impose upon the convict one or more mutually compatible penal sanctions and/or obligations provided for in Chapter IX of the Code:

- 1) to offer an apology to the victim;
- 2) to provide assistance to the victim during the latter's medical treatment;
- 3) to undergo treatment of addiction diseases, where the convict agrees;
- 4) to educate and take care of his minor children, to take care of their health, to maintain them;
- 5) to take up employment or studies, continue employment or studies;
- 6) to participate in a behaviour correction programme;
- 7) not to leave home at a certain time, unless this is related to work or studies;
- 8) not to leave the city/district of the place of residence without the authorisation of the institution supervising the convict;
- 9) not to visit certain places or to refrain from communicating with certain persons or groups of persons;
- 10) not to use psychoactive substances;
- 11) not to possess, use or acquire certain items or not engage in certain activities.

3. The court may impose upon a person, at the request of the person or other participants of criminal proceedings, also at its own discretion, other obligations not provided for by the criminal law which, in the court's opinion, would have a positive impact on the conduct of the convict.

4. In imposing the penal sanctions provided for in Chapter IX of this Code and/or the obligations provided for in paragraphs 2 and 3 of this Article, the court shall specify the time limit for complying therewith.

5. The procedure for and conditions of suspension of the execution of a sentence shall be stipulated by the Law of the Republic of Lithuania on Probation.

### **Article 76. Release from a Penalty due to an Illness**

1. A person who committed a criminal act may be released from a penalty where, before a judgment is passed by the court, he contracts a terminal illness rendering him unable to serve a sentence. In such a case, the court shall, when passing a judgment of conviction, impose a penalty upon this person and release him from serving the sentence. The court shall decide this issue taking into consideration the gravity of the committed criminal act, the personality of the convict and the nature of the illness.

2. A person who contracts a terminal illness following the passing of a judgment may be released from serving the undischarged term of the sentence. The court shall decide this issue taking into consideration the gravity of the committed criminal act, the personality of the convicted person, his conduct while serving the sentence, the nature of the illness and the period of the sentence already served.

3. A person who, following the commission of a criminal act or imposition of a penalty, starts to suffer from a mentally disorder rendering him incapable of understanding the nature of his actions or controlling them shall be released from serving the undischarged term of the sentence. In releasing this person from a penalty, the court shall

decide whether to impose upon him compulsory medical treatment. In the event of convalescence of this person, he may be ordered to serve the undischarged term of the sentence. In such a case, the period during which the person was undergoing compulsory medical treatment shall be included in the term of a custodial sentence on a day-for-day basis.

**Article 77.** *Repealed as of 1 July 2012.*

**Article 78. Amnesty**

1. A person who commits a criminal act may be released from serving the entire length of the sentence or a part thereof by an amnesty act passed by the Seimas.

2. The grounds for, conditions of and procedure for granting amnesty shall be laid down in the act of amnesty.

**Article 79. Clemency**

1. A convict may be released from serving the entire length of the sentence or a part thereof where the President of the Republic grants his clemency plea.

2. The procedure for granting clemency shall be laid down by the President of the Republic.

**CHAPTER XI  
FEATURES OF CRIMINAL LIABILITY OF MINORS**

**Article 80. Purpose of Features of Criminal Liability of Minors**

The features of criminal liability of minors as provided for in this Chapter and Article 13(2) and (3), Article 27(4) and Article 97(4) of this Code shall have the following purpose:

1) to ensure correspondence of liability to the age and social maturity of these persons;

2) to restrict the possibilities of imposition of a custodial sentence and broaden the possibilities of imposition of reformatory sanctions against these persons;

3) to help a minor to alter his manner of living and conduct by co-ordinating a penalty for the committed criminal act with the development and education of his personality and elimination of reasons for the unlawful conduct;

4) to prevent a minor from committing new criminal acts.

**Article 81. Application of Provisions of the Chapter**

1. Provisions of this Chapter shall apply to the persons who were under the age of 18 years at the time of commission of a criminal act.

2. Provisions of Articles 90-94 of this Code, –also the reformatory sanctions provided for in Article 82(1)(1), (2), (3) and (5) may be applied against a person who was of the age of 18 years at the time of commission of a criminal act, however was below the age of 21 years where the court, taking into consideration the nature and motives of the committed criminal act as well as other circumstances of the case, and, where necessary, clarifications or conclusion of a professional, decides that such a person is equivalent to a minor according to his social maturity and application of features of criminal liability against him would correspond to the purpose provided for in Article 80 of this Code.

**Article 82. Reformatory Sanctions against Minors**

1. A minor who has committed a misdemeanour or a crime and has been released from criminal responsibility or a penalty, also a minor in respect of whom the execution of

the sentence has been suspended or who has been conditionally released from correctional institutions on the grounds provided for in Chapter XI of the Penal Code of the Republic of Lithuania may be subject to the following reformatory sanctions:

- 1) a warning;
  - 2) compensation for or elimination of property damage;
  - 3) unpaid reformatory work;
  - 4) placement for upbringing and care with parents or other natural or legal persons taking care of children;
  - 5) restriction on conduct;
  - 6) placement in a special reformatory facility.
2. The court may impose against a minor not more than three mutually compatible reformatory sanctions.
3. (Repealed).

### **Article 83. Warning**

1. A warning may be imposed upon a minor as an independent reformatory sanction or in conjunction with other such sanctions.
2. When imposing against a minor this reformatory sanction, the court shall state to him in writing the possible legal consequences ensuing from the commission of new criminal acts.

### **Article 84. Compensation for or Elimination of Property Damage**

1. Compensation for or elimination of property damage shall be ordered only when a minor possesses resources which he can independently dispose of or when he is capable of eliminating the damage by his own work.
2. Property damage must be compensated for or eliminated by a person's own work within a time limit laid down by the court.

### **Article 85. Unpaid Reformatory Work**

1. Unpaid reformatory work shall be imposed for a period of 20 up to 100 hours to be performed at health care, curatorship and guardianship or other state or non-state bodies and organisations, where work thereat may be of a reformatory character.
2. Unpaid reformatory work shall be performed subject to the consent of a minor.
3. Unpaid work may not be imposed upon a minor where he is placed in a special reformatory facility.

### **Article 86. Placement for Upbringing and Care with Parents or Other Natural or Legal Persons Taking Care of Children**

1. Placement for upbringing and care with parents or other natural or legal persons taking care of children shall be ordered for a period from six months up to three years, but no longer than after a minor reaches the age of 18 years.
2. The sanction indicated in paragraph 1 of this Article may be imposed in the cases when:
  - 1) the parents or other persons agree to bring up and take care of the minor, have no negative influence on the minor themselves, have a possibility to provide favourable conditions for the development of his personality and agree to provide the necessary information to the institutions supervising the execution of the above sanction;
  - 2) the minor agrees that the indicated persons bring him up and take care of him and promises to obey them and behave properly.
3. Placement for upbringing and care with parents or other persons may be ordered for a minor as an independent sanction or in combination with other reformatory sanctions.

This sanction may not be imposed where a minor is placed in a special reformatory facility.

#### **Article 87. Restriction on Conduct**

1. A restriction on conduct may be imposed for a term from thirty days up to twelve months. The term of this sanction shall be counted in days and months.

2. The court may impose the following mandatory injunctions upon a minor:

1) to be at home at a certain time;

2) to study, resume studies or take up employment;

3) to acquire certain knowledge or learn prohibitions (traffic safety regulations, school student's regulations, etc.);

4) to undergo a complete course of treatment against alcohol addiction, drug addiction, addiction to toxic substances or a sexually transmitted disease. This mandatory injunction shall be imposed at the request of parents or guardians subject to the consent of the minor;

5) to participate in the social education or rehabilitation measures organised by state or non-state bodies and organisations.

3. The court may impose upon a minor the following prohibitive injunctions:

1) not to gamble;

2) not to engage in a certain type of activities;

3) not to drive a motor vehicle (motorcycle, self-propelled vehicle, etc.);

4) not to visit the places that have a negative effect on the conduct of the minor, or not to communicate with the people who exert a negative influence on him;

5) not to change his place of residence without giving a notice to the institutions supervising execution of this sanction.

4. The court may impose upon a minor, at the request of the minor or other participants of criminal proceedings, also at its own discretion, other mandatory or prohibitive injunctions not provided for by the criminal law which, in the court's opinion, would have a positive impact on the conduct of the minor.

5. A minor must, in accordance with the established procedure, give an account of his compliance with mandatory and prohibitive injunctions.

6. A restriction on a minor's conduct may be imposed against the minor as an independent reformatory sanction or in conjunction with other such sanctions. This sanction may not be imposed where a minor is placed in a special reformatory facility.

#### **Article 88. Placement in a Special Reformatory Facility**

1. The term for placement in a special reformatory facility may be fixed for a period of six months up to three years, but no longer than until a minor reaches the age of 18 years.

2. The specific term of placement in a special reformatory facility shall be laid down by the court having regard to the personality of a minor, the repetitive character of his criminal conduct, the type of sanctions previously applied, and other circumstances of the case.

3. Placement in a special reformatory facility may be ordered in respect of a minor as an independent sanction or in combination with a warning or compensation for or elimination of property damage.

#### **Article 89. Legal Consequences of Non-Compliance with Reformatory Sanctions**

1. Where a minor against whom a reformatory sanction has been imposed fails to comply or complies inappropriately with the sanction and for this reason has been warned

at least twice, the court may, on the recommendation of the institution supervising the execution of this sanction, replace that sanction with any other reformatory sanction, with the exception of placement in a special reformatory facility.

2. Where a minor upon whom two or three reformatory sanctions have been imposed fails to comply or complies inappropriately with the sanctions and for this reason has been warned at least twice, the court may, on the recommendation of the institution supervising the execution of these sanctions, replace them with other reformatory sanctions, including placement in a special reformatory facility.

#### **Article 90. Features of Penalties Imposed upon Minors**

1. A minor may be subject solely to the following penalties:

- 1) community service;
- 2) a fine;
- 3) restriction of liberty;
- 4) arrest;
- 5) fixed-term custodial sentence.

2. Minors may not be imposed more than 240 hours of community service.

3. A fine may be imposed only against a minor already employed or possessing his own property. A minor may be subject to a fine in the amount from 5 MSLs up to 50 MSLs.

4. A minor may be subject to arrest for a period of five up to forty-five days.

5. The period of a custodial sentence in respect of a minor may not exceed ten years.

#### **Article 91. Features of Imposition of a Penalty upon a Minor**

1. The court shall impose a penalty upon a minor according to the basic principles of imposition of penalties and the features provided for in this Chapter.

2. In imposing a penalty upon a minor, a court shall, in addition to the circumstances listed in Article 54(2) of this Code, take into consideration the following:

- 1) the living and upbringing conditions of the minor;
- 2) the state of health and social maturity of the minor;
- 3) previously imposed sanctions and effectiveness thereof;
- 4) the minor's conduct following the commission of a criminal act.

3. The court may impose a fixed-term custodial sentence upon a minor where there is a ground for believing that another type of penalties is not sufficient to alter the minor's criminal dispositions, or where the minor has committed a serious or grave crime. In the event of imposition of the custodial sentence upon the minor, the minimum penalty shall be equal to one half of the minimum penalty provided for by the sanction of an article of this Code according to which the minor is prosecuted.

#### **Article 92. Suspension of the Execution of a Sentence in Respect of a Minor**

1. Where a minor is imposed a custodial sentence for one or several crimes committed through negligence or a custodial sentence for a term not exceeding four years for the commission of one or several premeditated crimes, the court may suspend the execution of the imposed sentence for a period ranging from one to three years. The execution of the sentence may be suspended where the court rules that there is a reasonable ground for believing that the purpose of the penalty will be achieved without the sentence actually being served.

2. When suspending the execution of a sentence, the court shall impose upon a minor one or several mutually compatible reformatory sanctions provided for in Article 82 of this Code, with the exception of placement in a special reformatory facility. The court

shall also lay down a time limit within which the minor must comply with the reformatory sanctions.

3. The procedure for and conditions of suspension of the execution of a sentence for minors shall be stipulated by the Law of the Republic of Lithuania on Probation.

#### **Article 93. Release of a Minor from Criminal Liability**

1. A minor who commits a misdemeanour, or a negligent crime, or a minor or less serious premeditated crime for the first time may be released by the court from criminal liability where he:

1) has offered his apology to the victim and has compensated for or eliminated, fully or in part, the property damage incurred by his work or in monetary terms; or

2) is found to be of diminished capacity; or

3) pleads guilty and regrets having committed a criminal act or there are other grounds for believing that in the future the minor will abide by the law and will not commit new criminal acts.

2. Having released a minor from criminal liability on the grounds provided for in paragraph 1 of this Article, the court shall impose against him the reformatory sanctions provided for in Article 82 of this Code.

**Article 94.** *Repealed as of 1 July 2012.*

## **CHAPTER XII STATUTE OF LIMITATIONS OF CRIMINAL LIABILITY**

#### **Article 95. Statute of Limitations of a Judgment of Conviction**

1. A person who has committed a criminal act may not be subject to a judgment of conviction where:

1) the following period has lapsed:

a) three years, in the event of commission of a misdemeanour;

b) eight years, in the event of commission of a negligent or minor premeditated crime;

c) twelve years, in the event of commission of a less serious premeditated crime;

d) fifteen years, in the event of commission of a serious crime;

e) twenty-five years, in the event of commission of a grave crime;

f) thirty years, in the event of commission of a crime relating to a premeditated homicide;

2) within the period laid down in point 1 of paragraph 1 of this Article, the person did not hide from pre-trial investigation or a trial and did not commit a new criminal act.

2. The statute of limitations shall run from the commission of a criminal act until the passing of a judgment.

3. If a minor suffers from the criminal acts provided for in Chapters XVIII, XX, XXI, XXIII and XLIV of this Code, the statute of limitations may not run out before the person reaches the age of twenty-five years.

4. Where a person who has committed a criminal act hides from pre-trial investigation or a trial, the statute of limitations shall not run. The statute of limitations shall resume running from the day when the person is detained or when he appears before a pre-trial investigation officer, a prosecutor or a court. However, a judgment of conviction may not be passed where twenty-five years have lapsed since the commission of the criminal act by the person and thirty years have lapsed since the commission of a crime relating to a premeditated homicide, and the statute of limitations has not stopped running due to commission of a new crime.

5. Where a person who has committed a criminal act enjoys, under laws of the Republic of Lithuania or international legal norms, immunity from criminal liability and the competent authority does not allow his prosecution, the statute of limitations stops running. The statute of limitations shall resume running from the receipt of the competent authority's permission to prosecute the person who has committed the criminal act or after he loses immunity as referred to in this paragraph by other means.

6. In the course of hearing of a case before the court, the statute of limitations shall stop running for a period for which:

1) the court announces a break in the hearing before the court or postpones the hearing of the case due to the absence of the accused or his defence counsel;

2) the court announces a break in the hearing before the court pending an expert examination or a professional investigation assigned by the court or satisfaction of a request for legal assistance submitted to a foreign state;

3) the court announces a break in the hearing before the court and charges a prosecutor or a pre-trial investigation judge with taking the procedural actions provided for in the Code of Criminal Procedure of the Republic of Lithuania;

4) the court announces a break in the hearing before the court for the new defence counsel of the accused to familiarise with the case file.

7. In the cases provided for in paragraph 5 of this Article, a judgment of conviction cannot be passed where a period exceeding that provided for in paragraph 1 by five years has lapsed since the commencement of the statute of limitations.

8. Where a person commits a new premeditated criminal act before the expiry of the terms indicated in this Article, the statute of limitations shall stop running. In such a case, the statute of limitations in respect of the first criminal act shall start to run from the commission of a new crime or misdemeanour.

9. The following crimes provided for in this Code shall have no statute of limitations:

1) genocide (Article 99);

2) treatment of persons prohibited under international law (Article 100);

3) enforced disappearance (Article 100<sup>1</sup>);

4) killing of the persons protected under international humanitarian law (Article 101);

5) deportation or transfer of civilians (Article 102);

6) causing bodily harm to, torture or other inhuman treatment of the persons protected under international humanitarian law or violation of protection of their property (Article 103);

7) forcible use of civilians or prisoners of war in the armed forces of the enemy (Article 105);

8) destruction of protected objects or plunder of national valuable properties (Article 106);

9) aggression (Article 110);

10) prohibited military attack (Article 111);

11) use of prohibited means of warfare (Article 112);

12) negligent performance of the commander's duties (Article 113<sup>1</sup>).

## **Article 96. Statute of Limitations for the Execution of a Judgment of Conviction**

1. A judgment of conviction shall not be executed where:

1) it was not executed:

a) within two years following imposition of a penalty for a misdemeanour; or

- b) within three years following imposition of a non-custodial sentence or of a custodial sentence for a term not exceeding two years; or
  - c) within five years following imposition of a custodial sentence for a term not exceeding five years; or
  - d) within ten years following imposition of a custodial sentence for a term not exceeding ten years; or
  - e) within fifteen years following imposition of a custodial sentence for a term exceeding ten years or imposition of the sentence of life custodial sentence, and
- 2) during the period specified in point 1 of paragraph 1 of this Article the convict did not evade the serving of the sentence and did not commit a new criminal act.
2. The statute of limitations for execution of a judgment of conviction shall run from the coming into effect of the judgment until the commencement of execution of the judgment.
3. Where, after a judgment becomes effective, the convict evades the serving of the sentence, the statute of limitations shall stop running. In this case, the period shall resume running from the day when the convict arrives to serve the sentence or is arrested. However, the judgment may not be executed where fifteen years have lapsed since its coming into effect, and twenty years have lapsed in the case of imposition of a custodial sentence for a term exceeding ten years or of a life custodial sentence, and the statute of limitations has not stopped running due to commission of a new criminal act.
4. Where the convict commits a new criminal act before the expiry of the statute of limitations for execution of a judgment of conviction, the statute of limitations shall stop running. In this case, the statute of limitations for execution of the judgment of conviction shall run from the commission of a new crime or misdemeanour.
5. When imposing a penalty for a new criminal act, the court shall act in compliance with the rules stipulated in Article 64 of this Code.

### **CHAPTER XIII PREVIOUS CONVICTION**

#### **Article 97. Previous Conviction**

1. The persons convicted of commission of a crime in respect of whom a judgment of conviction passed by a court of the Republic of Lithuania or another Member State of the European Union has become effective shall be considered as persons having previous conviction. The persons convicted of commission of a crime in a non-EU Member State, provided that a notice of the coming into effect of a judgment of conviction passed by a court of that state is received under international treaties of the Republic of Lithuania, shall also be considered as persons having previous conviction. The court shall take previous conviction into consideration when imposing a penalty for the commission of a new criminal act, deciding the issue of the offender's release from a penalty or criminal liability, also when identifying the person as a repeat offender.
2. Previous conviction may be a basis for restricting only those rights and freedoms of citizens whose restriction is provided for by laws of the Republic of Lithuania.
3. The following persons shall be considered as having previous conviction:
- 1) the persons in respect of whom the execution of a sentence has been suspended – during the period of suspension of execution of the sentence;
  - 2) the persons convicted of negligent crimes – during the period of serving the sentence;
  - 3) the persons convicted of premeditated crimes who have actually served the imposed sentence – during the period of serving the sentence and during the following

period commencing after they have served the sentence or have been released from serving the sentence:

- a) for three years if convicted of a minor or less serious crime;
- b) for five years if convicted of a serious crime;
- c) for eight years if convicted of a grave crime;
- d) for ten years if they are dangerous repeat offenders.

4. The terms of previous conviction following serving of a sentence or release from serving of the sentence in respect of the minors convicted of the crimes provided for in point 3 of paragraph 3 of this Article shall be reduced by half.

5. The terms stipulated in point 3 of paragraph 3 and in paragraph 4 of this Article shall be calculated from fully serving of the imposed sentence or release from serving of the sentence.

6. Upon the expiry of the time limits laid down in this Article, previous conviction shall expire and the persons shall be considered as having no criminal record.

7. After the lapse of a least one half of the term of conviction, the court may, at the request of the convict, reduce the term of conviction or expunge the conviction.

8. Where a person who has a previous conviction commits a new crime or misdemeanour, the term until the expiry of previous conviction shall stop running. In such a case, the term until the expiry of the conviction for the previous criminal act shall start to run from the serving of the penalty for the new crime or misdemeanour. The person shall be considered as having previous conviction for each criminal act until the expiry of conviction for the most serious of the acts.

9. When imposing a penalty for the commission of a new criminal act, deciding on the release of the offender from the penalty or criminal liability, also recognising the person as a dangerous repeat offender, the court shall not take into account an effective judgment of conviction passed by the court of another state as referred to in paragraph 1 of this Article where:

- 1) the taking into account of the effective court judgment of conviction would violate fundamental human rights and/or freedoms;
- 2) the committed act is not regarded as a crime under this Code;
- 3) at the time of commission of a criminal act, the person was not of the age at which the act committed by him becomes subject to criminal liability under criminal laws of the Republic of Lithuania;
- 4) the information received about the judgment of conviction passed by the court of another state is not sufficient, and the state which has forwarded this information does not supply additional information within the specified time limit;
- 5) there exist other grounds provided for by international treaties to which the Republic of Lithuania is party.

## **CHAPTER XIV COMPULSORY MEDICAL TREATMENT**

### **Article 98. Compulsory Medical Treatment**

1. The persons who are recognised by the court as being legally incapacitated or of diminished capacity as well as the persons who, after committing a criminal act or having been imposed a penalty, start to suffer from a mental disorder rendering them incapable of understanding the nature of their actions or controlling them may be subjected by the court to the following compulsory medical treatment measures:

- 1) out-patient observation under the conditions of primary mental health care;
- 2) in-patient observation under the conditions of a general observation at specialised mental health care establishments;

3) in-patient observation under the conditions of an enhanced observation at specialised mental health care establishments;

4) in-patient observation under the conditions of a strict observation at specialised mental health care establishments.

2. The court shall impose an out-patient observation upon a person where it is not necessary to subject the person to observation and in-patient treatment due to the dangerousness of the committed act and his mental state or where this person may continue out-patient treatment after his mental state improves following in-patient treatment.

3. The court shall impose an in-patient observation under the conditions of a general observation upon a person who needs to be under observation and undergo treatment at a specialised in-patient treatment establishment due to his mental disorder.

4. The court shall impose an in-patient observation under the conditions of an enhanced observation upon a person who needs to be under observation and undergo treatment at a specialised in-patient treatment establishment due to the dangerousness of the committed act and his mental disorder.

5. The court shall impose an in-patient observation under the conditions of a strict observation upon a person who has committed an attempt against a person's life or health, is particularly dangerous to surrounding people due to his mental disorder and needs to be under observation and undergo treatment at a specialised in-patient treatment establishment.

6. The court shall not fix any period of time for compulsory medical treatment. It shall be applied until the person is cured or his mental state improves and he no longer represents a danger. At least once every six months, the court must make a determination on the basis of the findings of a health care establishment as regards extension of compulsory medical treatment, change of type thereof or discontinuation thereof.

7. Where there is no necessity to subject a person to compulsory medical treatment, also where the court cancels application thereof, the person may be transferred by the court into the custody or guardianship of his relatives or other persons and may concurrently be subjected to medical observation.

## **SPECIAL PART**

### **CHAPTER XV**

#### **CRIMES AGAINST HUMANITY AND WAR CRIMES**

##### **Article 99. Genocide**

A person who, seeking to physically destroy, in whole or in part, the persons belonging to any national, ethnic, racial, religious, social or political group, organises, is in charge of or participates in their killing, torturing, causing bodily harm to them, hindering their mental development, their deportation or otherwise inflicting on them the conditions of life bringing about the death of all or a part of them, restricts the birth of the persons belonging to those groups or forcibly transfers their children to other groups

shall be punished by a custodial sentence for a term of five up to twenty years or by a life custodial sentence.

##### **Article 100. Treatment of Persons Prohibited under International Law**

A person who intentionally, by carrying out or supporting the policy of the State or an organisation to attack civilians on a large scale or in a systematic way, conducts their killing or causes serious impairment to their health; inflicts on them such conditions of life as bring about their death; enslaves persons; commits deportation or forced transfer of the

population; unlawfully imprisons or otherwise restricts the physical freedom of persons in violation of the norms of international law; tortures persons; rapes or sexually coerces persons, involves them in sexual slavery or forces them to engage in prostitution; unlawfully deprives a forcibly inseminated woman of liberty with a view to altering the ethnic composition of the population or in committing another violation of the norms of international law; forcibly sterilises persons or carries out other sexual coercion actions of a similar character; persecutes any group or community of persons for political, racial, national, ethnic, cultural, religious, sexual or other reasons prohibited under international law; detains, arrests, abducts or otherwise deprives them of liberty, where such a deprivation of liberty is not recognised, or fails to report the fate or whereabouts of the persons; carries out the policy of apartheid

shall be punished by a custodial sentence for a term of five up to twenty years or by a life custodial sentence.

#### **Article 100<sup>1</sup>. Enforced Disappearance**

A person who, while acting as an agent of the State or as a person or a group of persons acting with the authorisation, support or acquiescence of the State, detains, abducts a person or otherwise deprives him of liberty, followed by a refusal to acknowledge such a detention, abduction or deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person,

shall be punished by a custodial sentence for a term of three up to fifteen years.

#### **Article 100<sup>2</sup>. Separation of Children**

A person who unlawfully separates children while being aware that these children, parents or guardians thereof are victims of the criminal acts provided for in Article 100<sup>1</sup> of this Code

shall be punished by a custodial sentence for a term of up to eight years.

#### **Article 101. Killing of Persons Protected under International Humanitarian Law**

A person who, in time of war or during an armed conflict or an aggression, occupation or annexation, orders, incites or organises the killing of or kills the persons protected under international humanitarian law

shall be punished by a custodial sentence for a period of ten up to twenty years or by a life custodial sentence.

#### **Article 102. Deportation or Transfer of Civilians**

A person who, during an armed conflict or under the conditions of aggression, occupation or annexation, incites or organises deportation or carries out deportation of the civilian population from an occupied or annexed territory to the territory of an occupying or annexing country or of a third country; orders, incites or organises the transfer or forced removal or transfers or forcibly removes the civilian population of the occupied or annexed state in the territory of that state in violation of norms of international law; orders, incites or organises the transfer or transfers the civilian population of the occupying state to the territory of the occupied country

shall be punished by a custodial sentence for a term of five up to fifteen years.

#### **Article 103. Causing Bodily Harm to, Torture or Other Inhuman Treatment of Persons Protected under International Humanitarian Law or Violation of Protection of Their Property**

1. A person who, in time of war or during an armed conflict or an aggression, occupation or annexation, orders, incites or organises inhuman treatment or subjects to inhuman treatment the persons protected under international humanitarian law: inflicts a serious bodily harm to or an illness upon or tortures them; conducts a biological or medical experiment with them, unlawfully takes their organ or tissue for transplanting purposes, unlawfully takes their blood or subjects them to other inhuman treatment; takes them hostage; imposes upon them criminal penalties without a judgment of an independent and impartial court or without guarantees of defence in court; applies collective punishment; rapes or sexually coerces persons, involves them in sexual slavery or forces them to engage in prostitution; forcibly sterilises or inseminates them; utilises means of intimidation and terror; unlawfully restricts or deprives them of liberty; separates children from their parents or guardians; threatens death by starvation; unlawfully seizes, confiscates the property of civilians or conducts mass expropriation thereof for purposes other than military necessity; degrades their dignity in an abusive manner; coerces to adopt another religion; commits an outrage on the remains of the fallen

shall be punished by a custodial sentence for a term of three up to twelve years.

2. A person who commits the act provided for in paragraph 1 of this Article by resorting to deceit shall be punished by a custodial sentence for a term of seven up to fifteen years.

**Article 104.** *Repealed as of 31 March 2011.*

**Article 105. Forcible Use of Civilians or Prisoners of War in the Armed Forces of the Enemy**

1. A person who, in time of war, during an armed conflict, aggression, occupation or annexation and in violation of international humanitarian law, forces civilians or prisoners of war to serve in the armed forces of their enemy, uses them as a human shield in a military operation, conscripts or recruits children under the age of 18 years into the armed forces or uses them in a military operation

shall be punished by a custodial sentence for a term of three up to ten years.

2. A person who conscripts or recruits children under the age of 18 years into military service in the military groups not belonging to the armed forces of the State or uses them in a military operation

shall be punished by a custodial sentence for a term of three up to twelve years.

**Article 106. Destruction of Protected Objects, Plunder, Destruction of or Causing Damage to National Valuable Properties**

A person who issues an order not justifiable by military necessity to destroy or destroys the historic monuments, objects of culture, art, education, upbringing, science or religion protected by treaties or national legal acts, uses such objects or their environment for military actions, plunders or appropriates national valuable properties in an occupied or annexed territory or destroys or causes damage to them by acts of vandalism and causes extensive damage

shall be punished by a custodial sentence for a term of three up to twelve years.

**Article 107. Delay in Repatriation of Prisoners of War**

A person who, after the signing of a peace treaty or cessation of hostilities, unjustifiably delays the release or repatriation of prisoners of war

shall be punished by a custodial sentence for a term of up to three years or a fine.

**Article 108. Delay in Release of Interned Civilians or Impeding Repatriation of Other Civilians**

A person who, after cessation of hostilities, unjustifiably delays the release of interned civilians or does not permit other civilians to repatriate to their Homeland from the territory of an armed conflict, where they so wish shall be punished by a custodial sentence for a term of up to three years or a fine.

**Article 109. Unlawful Use of the Emblem of the Red Cross, Red Crescent, Red Crystal and the United Nations Organization or Another Emblem (Sign) or Designation Protected under International Humanitarian Law**

A person who unlawfully uses the emblem of the Red Cross, Red Crescent, Red Crystal, the United Nations Organization or another emblem (sign) or designation protected under international humanitarian law during an armed conflict shall be punished by a custodial sentence for a term of up to three years or a fine.

**Article 110. Aggression**

Any person who causes an aggression against another state or is in command thereof shall be punished by a custodial sentence for a period of ten up to twenty years or by a life custodial sentence.

**Article 111. Prohibited Military Attack**

1. A person who orders to carry out or carries out a military attack prohibited under international humanitarian law against civilians, medical or civil defence personnel, a military or civilian hospital, a first-aid post, a vehicle carrying wounded or sick persons, the personnel of the International Red Cross Committee or a National Red Cross or Red Crescent Society, a military attack against an undefended settlement or a demilitarised zone, a military attack against a protected cultural valuable property, a military attack without selecting a specific target and being aware that it could result in civilian casualties or destruction of a civilian object, or a military attack against the combatants who had clearly withdrawn from the battle and had given up resistance or other persons shall be punished by a custodial sentence for a term of five up to fifteen years.

2. A person who orders to carry out or carries out a military attack contravening international humanitarian law against a target posing a considerable danger to the environment and people, such as a nuclear plant, a dam, a facility for the storage of toxic substances or another object, while being aware that it could cause grave consequences, or a military attack using weapons of mass destruction shall be punished by a custodial sentence for a period of ten up to twenty years or by a life custodial sentence.

**Article 112. Use of Prohibited Means of Warfare**

A person who, in violation of treaties to which the Republic of Lithuania is party or universally accepted international practices regarding means of warfare or methods of warfare, orders the use of or uses in hostilities prohibited means of warfare or methods of warfare shall be punished by a custodial sentence for a term of three up to ten years.

**Article 113. Marauding**

A person who orders the plundering of or plunders property on the battlefield from the fallen or the wounded

shall be punished by a custodial sentence for a term of up to five years.

**Article 113<sup>1</sup>. Negligent Performance of the Commander's Duties**

A person who is negligent in performing the commander's duties, which results in commitment of a criminal act provided for by this Chapter by the persons subordinate to him de jure or de facto,

shall be punished by a custodial sentence for a term of two up to eight years.

**CHAPTER XVI  
CRIMES AGAINST THE INDEPENDENCE, TERRITORIAL INTEGRITY AND  
CONSTITUTIONAL ORDER OF THE STATE OF LITHUANIA**

**Article 114. Coup d'Etat**

1. A person who organises or participates in a conspiracy to carry out a coup d'etat, or participates in a coup d'etat

shall be punished by a custodial sentence for a term of four up to twenty years.

2. A person who, in the course of committing an act provided for in paragraph 1 of this Article, uses armed force or where his act causes serious consequences

shall be punished by a custodial sentence for a period of ten up to twenty years or by a life custodial sentence.

3. A person who participates in a coup d'etat provided for in paragraphs 1 and 2 shall be released from criminal liability where he voluntarily provides to a state institution a significant information about the coup d'etat being prepared.

**Article 115. Attempt on the Life of the President of the Republic of Lithuania**

A person who makes an attempt on the life of the President of the Republic of Lithuania

shall be punished by a custodial sentence for a period of ten up to twenty years or by a life custodial sentence.

**Article 116. Attempt on the Life of a Representative of Another State or International Public Organisation**

A person who makes an attempt on the life of a representative of another state or international public organisation officially present in the Republic of Lithuania

shall be punished by a custodial sentence for a period of ten up to twenty years or by a life custodial sentence.

**Article 117. Treason**

A citizen of the Republic of Lithuania who, in time of war or following declaration of a state of war, allies with the enemy or assists the enemy in carrying out activities against the State of Lithuania

shall be punished by a custodial sentence for a term of five up to fifteen years.

**Article 118. Assistance to Another State in Carrying out Activities Hostile to the Republic of Lithuania**

A person who assists another state or organisation thereof in carrying out activities hostile to the Republic of Lithuania – its constitutional order, sovereignty, territorial integrity, defence or economic power

shall be punished by a custodial sentence for a term of up to seven years.

**Article 119. Espionage**

1. A person who, for the purpose of communicating it to a foreign state or organisation thereof, seizes, purchases or otherwise collects the information constituting a state secret of the Republic of Lithuania or communicates this information to a foreign state, organisation thereof or their representative

shall be punished by a custodial sentence for a term of two up to ten years.

2. A person who, in performing an assignment of another state or organisation thereof, seizes, purchases or otherwise collects or communicates the information constituting a state secret of the Republic of Lithuania or another information of interest to the intelligence of a foreign state

shall be punished by a custodial sentence for a term of three up to fifteen years.

#### **Article 120. Collaboration**

A citizen of the Republic of Lithuania who, under the conditions of occupation or annexation, aids bodies of the illegitimate government to consolidate the occupation or annexation, suppress the resistance of the Lithuanian population or otherwise assists the illegitimate government in carrying out activities against the Republic of Lithuania

shall be punished by a custodial sentence for a term of up to five years.

#### **Article 121. Creation of Anti-constitutional Groups or Organisations and Participation in Activities Thereof**

A person who created organisations or armed groups with the aim of unlawfully altering the constitutional system of the State of Lithuania, making an attempt against its independence, infringing upon territorial integrity or who participated in the activities of such organisations or groups

shall be punished by a custodial sentence for a term of three up to ten years.

#### **Article 122. Public Incitement to Infringe upon the Sovereignty of the Republic of Lithuania by Using Violence**

A person who publicly incites infringement upon the sovereignty of the Republic of Lithuania by using violence – altering of its constitutional order, overthrowing of the legitimate government, making an attempt against its independence or infringement upon territorial integrity, formation of armed groups for these purposes or commission of other crimes provided for in this Chapter and having the aim of threatening the State of Lithuania

shall be punished by a custodial sentence for a term of up to five years.

#### **Article 123. Abuse of Authority**

A person who, while authorised to represent the Republic of Lithuania in relations with another state or an organisation of another state or an international public organisation, abuses his authority or deliberately fails to perform his duties or performs them inappropriately and thus commits an act contravening the interests of the Republic of Lithuania, which incurs or could have incurred major damage,

shall be punished by a custodial sentence for a term of up to eight years.

#### **Article 123<sup>1</sup>. Violation of International Sanctions**

1. A person who violates the international sanctions implemented in the Republic of Lithuania and thus causes major damage to interests of the Republic of Lithuania

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to five years.

2. A legal entity shall also be held liable for an act provided for in this Article.

**Article 124. Unlawful Possession of the Information Constituting a State Secret**

A person who unlawfully acquires or conveys the information constituting a state secret of the Republic of Lithuania or unlawfully holds in possession the material items whose content or information thereon constitutes a state secret of the Republic of Lithuania, in the absence of signs of espionage,

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to three years.

**Article 125. Disclosure of a State Secret**

1. A person who discloses the information constituting a state secret of the Republic of Lithuania, where this information was entrusted to him or he gained access thereto through his service, work or in the course of performance of public functions, but in the absence of signs of espionage,

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to three years.

2. The act provided for in paragraph 1 of this Article shall be a crime also where it is committed through negligence.

**Article 126. Loss of a State Secret**

1. A person who destroys, damages or loses a document, article or another material item entrusted to him through his service, work or in the course of performance of public functions whose content or information thereon constitutes a state secret of the Republic of Lithuania

shall be punished by community service or by a fine or by restriction of liberty or by a custodial sentence for a term of up to two years.

2. The act provided for in paragraph 1 of this Article shall be a crime also where it is committed through negligence.

**Article 127. Desecration of State Symbols**

A person who publicly tears down, tatters, breaks, destroys, soils or otherwise desecrates the state flag or state emblem of the Republic of Lithuania or publicly ridicules the national anthem of Lithuania

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.

**Article 128. Desecration of Symbols of a Foreign State, the European Union or an International Public Organisation**

A person who tears down, tatters, breaks, destroys, soils or otherwise desecrates an officially displayed state emblem or flag of a foreign state, the flag of the European Union or an international public organisation

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.

**CHAPTER XVII  
CRIMES AGAINST HUMAN LIFE**

**Article 129. Murder**

1. A person who murders another person shall be punished by a custodial sentence for a term of seven up to fifteen years.

2. A person who murders

- 1) to a young child;
- 2) to a person in a helpless state;
- 3) to his close relative or family member;
- 4) to a pregnant woman;
- 5) to two or more persons;
- 6) by torturing or in another particularly cruel manner;
- 7) in a manner endangering other persons' lives;
- 8) by reason of disorderly conduct;
- 9) for mercenary reasons;
- 10) by reason of performance of official or citizen's duties by the victim;
- 11) in order to conceal another crime;
- 12) in order to acquire the victim's organ, tissue or cells;
- 13) in order to express hatred towards a group of persons or a person belonging thereto on grounds of age, sex, sexual orientation, disability, race, nationality, language, descent, social status, religion, convictions or views

shall be punished by a custodial sentence for a term of eight up to twenty years or by a life custodial sentence.

**Article 130. Murder in a State of Passion**

A person who murders a person in a state of sudden passion due to the victim's conduct which is unlawful or particularly offensive in respect of him or a person close to him

shall be punished by a custodial sentence for a term of up to six years.

**Article 131. Infanticide**

A mother who kills her new-born child in a state resulting after giving birth to the child

shall be punished by arrest or a custodial sentence for a term of up to five years.

**Article 132. Negligent Homicide**

1. A person who commits a homicide through negligence shall be punished by arrest or by a custodial sentence for a term of up to four years.
2. A person who commits a homicide of two or more through negligence shall be punished by a custodial sentence for a term of up to six years.
3. A person who commits the act provided for in paragraph 1 or 2 of this Article in violation of the special conduct security rules as specified by legal acts shall be punished by a custodial sentence for a term of up to eight years.
4. A legal entity shall also be held liable for an act provided for in paragraph 3 of this Article.

**Article 133. Abetting a Suicide or Procuring a Suicide**

A person who abets a person to commit a suicide or procures the person's suicide by a cruel or deceitful conduct

shall be punished by a restriction of liberty or by arrest or by a custodial sentence for a term of up to four years.

**Article 134. Aiding a Suicide**

A person who, at the request of a terminally ill person, aids his suicide shall be punished by community service or by arrest or by a custodial sentence for a term of up to four years.

**CHAPTER XVIII**  
**CRIMES AGAINST HUMAN HEALTH**

**Article 135. Severe Health Impairment**

1. A person who causes bodily harm or an illness to a person resulting in the victim's loss of eyesight, hearing, ability to speak, ability to reproduce, pregnancy or other serious mutilation, contracting of a terminal illness or a long-lasting illness posing a threat to his life or seriously affecting his mental health or in the loss of a considerable part of professional or general capacity for work or in a permanent disfigurement of the victim's body

shall be punished by a custodial sentence for a term of up to ten years.

2. A person who causes a serious bodily injury or illness

1) to a young child;

2) to a person in a helpless state;

3) to his close relative or family member;

4) to a pregnant woman;

5) to two or more persons;

6) by torturing or in another particularly cruel manner;

7) in a manner endangering other persons' lives;

8) by reason of disorderly conduct;

9) for mercenary reasons;

10) by reason of performance of official or citizen's duties by the victim;

11) in order to conceal another crime;

12) in order to acquire the victim's organ, tissue or cells;

13) in order to express hatred towards a group of persons or a person belonging thereto on grounds of age, sex, sexual orientation, disability, race, nationality, language, descent, social status, religion, convictions or views

shall be punished by a custodial sentence for a term of two up to twelve years.

**Article 136. Severe Health Impairment Caused in a State of Passion**

A person who causes a serious bodily harm to a person in a state of sudden passion due to the victim's conduct which is unlawful or particularly offensive in respect of him or a person close to him

shall be punished by arrest or by a custodial sentence for a term of up to four years.

**Article 137. Severe Health Impairment Caused Through Negligence**

1. A person who causes a serious bodily harm or illness to a person through negligence

shall be punished by arrest or by a custodial sentence for a term of up to three years.

2. A person who causes a serious bodily harm or illness to two or more persons through negligence

shall be punished by a custodial sentence for a term of up to five years.

3. A person who commits the act provided for in paragraph 1 or 2 of this Article in violation of the special conduct security rules as specified by legal acts

shall be punished by a custodial sentence for a term of up to seven years.

4. A legal entity shall also be held liable for an act provided for in paragraph 3 of this Article.

**Article 138. Non-Severe Health Impairment**

1. A person who causes bodily harm or an illness to a person resulting in the victim's loss of a small part of his professional or general capacity for work or in a long-lasting illness, but without developing the after-effects indicated in Article 135(1) of this Code

shall be punished by a restriction of liberty or by arrest or by a custodial sentence for a term of up to three years.

2. A person who causes a bodily harm or illness which is not serious

1) to a young child;

2) to a person in a helpless state;

3) to his close relative or family member;

4) to a pregnant woman;

5) to two or more persons;

6) by torturing or in another particularly cruel manner;

7) in a manner endangering other persons' lives;

8) by reason of disorderly conduct;

9) for mercenary reasons;

10) by reason of performance of official or citizen's duties by the victim;

11) in order to conceal another crime;

12) in order to acquire the victim's organ, tissue or cells;

13) in order to express hatred towards a group of persons or a person belonging thereto on grounds of age, sex, sexual orientation, disability, race, nationality, language, descent, social status, religion, convictions or views

shall be punished by a custodial sentence for a term of up to five years.

#### **Article 139. Non-Severe Health Impairment Through Negligence**

1. A person who causes bodily harm or an illness to a person through negligence resulting in the victim's loss of a small part of his professional or general capacity for work or in a long-lasting illness, but without developing the after-effects indicated in Article 135(1) of this Code

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to one year.

2. A person who causes a bodily harm or illness which is not serious to two or more persons through negligence

shall be punished by arrest or by a custodial sentence for a term of up to one years.

3. A person shall be held liable for an act provided for in paragraph 1 of this Article only under a complaint filed by the victim or a statement by the legal representative thereof or at the prosecutor's request.

#### **Article 140. Causing Physical Pain or a Negligible Health Impairment**

1. A person who, by beating or other violent actions, causes to a person physical pain or a negligible bodily harm or a short-term illness

shall be punished by community service or by restriction of liberty or by arrest or by a custodial sentence for a term of up to one year.

2. A person who commits the act indicated in paragraph 1 of this Article in respect of his close relative or family member

shall be punished by community service or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.

3. A person who commits the act indicated in paragraph 1 of this Article in respect of a young child or by torturing the victim

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to two years.

4. A person shall be held liable for the act provided for in paragraph 1 of this Article only under a complaint filed by the victim or a statement by the legal representative thereof or at the prosecutor's request or when the pre-trial investigation is initiated upon establishing signs of domestic violence.

#### **Article 141. Interpretation of Concepts**

Characteristics of the cases of health impairment provided for in Articles 135, 138 and 140 of this Chapter shall be defined by the rules for determining the extent of health impairment as approved by the Government of the Republic of Lithuania or an institution authorised by it.

### **Chapter XIX**

#### **CRIMES ENDANGERING HUMAN HEALTH AND LIFE**

#### **Article 142. Illegal Abortion**

1. A doctor who has the right to perform abortions and performs an abortion at the request of a patient, in the presence of contraindications or in the event of performing it not at a health care establishment

shall be punished by community service or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.

2. A health care specialist who does not have the right to perform abortions and performs an abortion at a health care establishment at the request of a patient

shall be punished by community service or by restriction of liberty or by arrest or by a custodial sentence for a term of up to three years.

3. A person who does not have the right to perform abortions and terminates pregnancy at the request of a pregnant woman

shall be punished by arrest or by a custodial sentence for a term of up to four years.

#### **Article 143. Compelling a Woman to Have an Illegal Abortion**

A person who compels a pregnant woman to have an illegal abortion by exerting a mental coercion on the victim or persons close to her

shall be punished by a restriction of liberty or by arrest or by a custodial sentence for a term of up to three years.

#### **Article 144. Leaving a Person in a Life-Threatening Situation Without Providing Assistance**

A person who, having raised a threat or while having the duty to take care of the victim, fails to provide assistance to him in a situation posing a threat to this person's life, although he was in a position to provide him with assistance

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two year.

#### **Article 145. Threatening to Murder or Cause a Severe Health Impairment to a Person or Terrorisation of a Person**

1. A person who threatens to murder a person or cause a severe health impairment to him, where there is a sufficient basis for believing that the threat may be fulfilled

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two year.

2. Any person who terrorises a person by threatening to blow him up, to set him on fire or to commit another act dangerous to his life, health or property or who systematically intimidates the person by using mental coercion

shall be punished by a custodial sentence for a term of up to four years.

3. A person shall be held liable for the acts provided for in paragraphs 1 and 2 of this Article only under a complaint filed by the victim or a statement by the legal representative thereof or at the prosecutor's request or when the pre-trial investigation is initiated upon establishing signs of domestic violence.

4. A legal entity shall also be held liable for the acts provided for in this Article.

## **CHAPTER XX CRIMES AGAINST HUMAN LIBERTY**

### **Article 146. Unlawful Deprivation of Liberty**

1. A person who unlawfully deprives a person of his liberty, in the absence of characteristics of hostage taking,

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to three years.

2. A person who commits the act provided for in paragraph 1 of this Article by using violence or posing a threat to the victim's life or health or by holding the victim in captivity for a period exceeding 48 hours

shall be punished by arrest or by a custodial sentence for a term of up to four years.

3. A person who unlawfully deprives a person of his liberty by committing him to a psychiatric hospital for reasons other than an illness

shall be punished by arrest or by a custodial sentence for a term of up to five years.

### **Article 147. Trafficking in Human Beings**

1. A person who sells, buys or otherwise transfers or acquires, recruits, transports or holds a person captive by physical violence or threats, or by otherwise depriving him of the possibility to resist or by using the victim's dependence or vulnerability, or by using deceit, or by taking or paying money, or by receiving or providing other benefits to a person who actually controls the victim, provided that the offender was aware or sought that the victim, whether he agreed or not, would be exploited under the conditions of slavery or under the conditions similar to slavery for prostitution, pornography or other forms of sexual exploitation, forced marriage or marriage of convenience, forced labour or services, including begging, commission of a criminal act or for other exploitation purposes,

shall be punished by a custodial sentence for a term of two up to ten years.

2. A person who commits the act provided for in paragraph 1 of this Article against two or more victims or by endangering the victim's life, or by participating in an organised group, or being aware or seeking that the victim's organ, tissue or cells would be taken, or being a civil servant or a person performing the functions of public administration and exercising his mandate

shall be punished by a custodial sentence for a term of four up to twelve years.

3. The victim of the act provided for in this Article may be released from criminal liability for the criminal act which he was directly forced to commit as a result of the act provided for in this Article and committed against him.

4. A legal entity shall also be held liable for an act provided for in paragraphs 1 and 2 of this Article.

### **Article 147<sup>1</sup>. Exploitation for Forced Labour or Services**

1. A person who, through the use of physical violence, threats, deception or other means listed in Article 147 of this Code, unlawfully forces another person to perform certain work or to provide certain services, including begging,

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to three years.

2. A person who commits the act indicated in paragraph 1 of this Article by forcing another person to perform work or to provide services under the conditions of slavery or under other inhuman conditions

shall be punished by arrest or by a custodial sentence for a term of up to eight years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 147<sup>2</sup>. Use of a Person's Forced Labour or Services**

1. A person who uses another person's work or services, including prostitution, while being aware or being obliged and likely to be aware that the person performs this work or provides these services as a result of using against him, for exploitation purposes, physical violence, threats, deception or other means listed in Article 147 of the Code,

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.

2. A person who commits an act provided for in this Article shall be released from criminal liability if he, prior to his declaration as the suspect, voluntarily notifies thereof a law enforcement institution and actively cooperates in identifying the victim of trafficking in human beings (Article 147) or purchase or sale of a child (Article 157) and detecting any of these criminal acts.

3. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 148. Restriction of Freedom of a Person's Actions**

1. A person who demands that another person carry out unlawful actions or refrain from performing lawful actions or otherwise behave according to instructions of the offender by using mental coercion in respect of the victim or persons close to him

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to three years.

2. A person shall be held liable for the act provided for in paragraph 1 of this Article only under a complaint filed by the victim or a statement by the legal representative thereof or at a prosecutor's request or when a pre-trial investigation is opened upon establishing signs of domestic violence.

3. A legal entity shall also be held liable for an act provided for in this Article.

### **CHAPTER XXI**

#### **CRIMES AND MISDEMEANOURS AGAINST FREEDOM OF A PERSON'S SEXUAL SELF-DETERMINATION AND INVIOABILITY**

#### **Article 149. Rape**

1. A person who has sexual intercourse with a person against his will by using physical violence or threatening the immediate use thereof or by otherwise depriving of a possibility of resistance or by taking advantage of the helpless state of the victim

shall be punished by a custodial sentence for a term of up to seven years.

2. A person who rapes another person with a group of accomplices shall be punished by a custodial sentence for a term of up to ten years.

3. A person who rapes a minor shall be punished by a custodial sentence for a term of three up to ten years.

4. A person who raped a young child shall be punished by a custodial sentence for a term of five up to fifteen years.

5. A person shall be held liable for the act provided for in paragraph 1 of this Article only under a complaint filed by the victim or a statement by the legal representative thereof or at a prosecutor's request or when a pre-trial investigation is opened upon establishing signs of domestic violence.

6. A legal entity shall also be held liable for an act provided for in paragraphs 3 and 4 of this Article.

#### **Article 150. Sexual Assault**

1. A person who, against a person's will, satisfies his sexual desires through anal, oral or interfemoral intercourse by using physical violence or by threatening the immediate use thereof or by otherwise depriving the victim of a possibility of resistance or by taking advantage of the helpless state of the victim

shall be punished by arrest or by a custodial sentence for a term of up to seven years.

2. A person who carries out the actions provided for in paragraph 1 of this Article together with a group of accomplices

shall be punished by a custodial sentence for a term of up to eight years.

3. A person who carries out the actions provided for in paragraph 1 of this Article in respect of a minor

shall be punished by a custodial sentence for a term of two up to ten years.

4. A person who carries out the actions provided for in paragraph 1 of this Article in respect of a young child

shall be punished with a custodial sentence for a term of three up to thirteen years.

5. A person shall be held liable for the act provided for in paragraph 1 of this Article only under a complaint filed by the victim or a statement by the legal representative thereof or at the prosecutor's request or when the pre-trial investigation is initiated upon establishing signs of domestic violence.

6. A legal entity shall also be held liable for an act provided for in paragraphs 3 and 4 of this Article.

#### **Article 151. Sexual Abuse**

1. A person who, by threatening to resort to violence, using other mental coercion or by taking advantage of a person's dependency, compels the person to have sexual intercourse with or otherwise satisfy sexual desires of the offender or a third person

shall be punished by arrest or by a custodial sentence for a term of up to three years.

2. A person who carries out the actions provided for in paragraph 1 of this Article in respect of a minor

shall be punished by a custodial sentence for a term of up to eight years.

3. A person shall be held liable for the act provided for in paragraph 1 of this Article only under a complaint filed by the victim or a statement by the legal representative thereof or at a prosecutor's request or when a pre-trial investigation is opened upon establishing signs of domestic violence.

4. A legal entity shall also be held liable for an act provided for in paragraph 2 of this Article.

#### **Article 151<sup>1</sup>. Satisfaction of Sexual Desires by Violating a Minor's Freedom of Sexual Self-Determination and/or Inviolability**

1. An adult person who has a sexual relationship or otherwise satisfies his sexual desires with a person under the age of sixteen years, in the absence of signs of raping, sexual abuse or coercing into a sexual act,

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to five years.

2. A person who has sexual intercourse or otherwise satisfied his sexual desires with a minor upon offering, promising to provide or upon providing to him or to another person in consideration money or a consideration of another form, in the absence of characteristics of a rape, sexual assault or sexual abuse,

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to five years.

3. A father, mother, guardian, custodian or another lawful representative of a child or a person holding statutory powers in respect of a minor who has sexual intercourse or otherwise satisfied his sexual desires with that minor, in the absence of characteristics of a rape, sexual assault or sexual abuse,

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to six years.

4. A legal entity shall also be held liable for the acts provided for in this Article.

5. The actions indicated in paragraph 1 of this Article shall not be considered a crime if there is no significant age, mental and physical maturity difference between participants in the actions.

#### **Article 152. Sexual Harassment**

1. A person who, in seeking sexual contact or satisfaction, harasses a person subordinate to him in office or otherwise by vulgar or comparable actions or by making offers or hints shall be considered to have committed a misdemeanour and

shall be punished by a fine or by restriction of liberty or by arrest.

2. A person shall be held liable for an act provided for in paragraph 1 of this Article only under a complaint filed by the victim or a statement by the legal representative thereof or at the prosecutor's request.

#### **Article 152<sup>1</sup>. Grooming of a Person under the Age of Sixteen Years**

1. An adult person who proposes a person under the age of sixteen years to meet for the purpose of having a sexual relationship/intercourse or otherwise satisfying his sexual desires or exploiting him for the production of pornographic material, provided that following this proposal he undertakes specific actions for the meeting to take place,

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to one year.

2. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 153. Sexual Molestation of a Person under the Age of Sixteen Years**

1. A person who carries out sexual molestation actions in respect of a person under the age of sixteen years

shall be punished by a restriction of liberty or by arrest or by a custodial sentence for a term of up to five years.

2. A legal entity shall also be held liable for the acts provided for in this Article.

### **CHAPTER XXII CRIMES AND MISDEMEANOURS AGAINST DIGNITY AND HONOUR**

#### **Article 154. Libel**

1. A person who spreads false information about another person that could arouse contempt for this person or humiliate him or undermine trust in him

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to one year.

2. A person who libels a person accusing him of commission of a serious or grave crime or in the media or in a publication

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to two years.

3. A person shall be held liable for the acts provided for in this Article only under a complaint filed by the victim or a statement by the legal representative thereof or at the prosecutor's request.

**Article 155.** *Repealed as of 10 July 2015.*

## **CHAPTER XXIII CRIMES AND MISDEMEANOURS AGAINST A CHILD AND A FAMILY**

### **Article 156. Abduction of a Child or Exchange of Children**

1. A person who abducts another person's young child or exchanges infants shall be punished by arrest or by a custodial sentence for a term of up to eight years.

2. A father, mother or a close relative who abducts their own or their relatives' young child from a children's establishment or from a person with whom the child lawfully resides

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two year.

### **Article 157. Purchase or Sale of a Child**

1. A person who proposes to purchase or otherwise acquire, sells, purchases, otherwise transfers, acquires, recruits, transports or holds captive a child while being aware or seeking that, regardless of the child's consent, he would be unlawfully adopted, exploited under the conditions of slavery or under the conditions similar to slavery for prostitution, pornography, other forms of sexual exploitation, forced marriage or marriage of convenience, forced labour or services, including begging, commission of a criminal act or for other exploitation purposes

shall be punished by a custodial sentence for a term of three up to twelve years.

2. A person who commits the act provided for in paragraph 1 of this Article against two or more children or a young child or by endangering the victim's life, or by participating in an organised group, or being aware or seeking that the victim's organ, tissue or cells would be taken, or being a civil servant or a person performing the functions of public administration and exercising his mandate

shall be punished by a custodial sentence for a term of five up to fifteen years.

3. The victim of the act provided for in this Article may be released from criminal liability for the criminal act which he was directly forced to commit as a result of the act provided for in this Article and committed against him.

4. A legal entity shall also be held liable for an act provided for in paragraphs 1 and 2 of this Article.

### **Article 158. Desertion of a Child**

A father, mother or a guardian or another lawful representative of a child who deserts a young child being unable to look after himself thus leaving him without due care, with the intent to abandon him,

shall be punished by community service or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.

**Article 159. Involvement of a Child in a Criminal Act**

A person who, by persuading, requesting, paying, threatening, deceiving or otherwise, involves a child in a criminal act

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to three years.

**Article 160. Involvement of a Child in the Use of Medicine or Other Intoxicating Means or the Substances Indicated in the Law of the Republic of Lithuania on Control of Certain Doping Substances**

A person who involves a child in the use of medicine or other non-narcotic intoxicating means or the substances indicated in the Law of the Republic of Lithuania on Control of Certain Doping Substances for purposes other than medical treatment

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to three years.

**Article 161. Involvement of a Child in Abuse of Alcohol**

1. A person who involves a child in abuse of alcohol shall be punished by community service or by a fine or by restriction of liberty or by a custodial sentence for a term of up to two years.

2. A person who intoxicates a child with alcohol shall be considered to have committed a misdemeanour and

shall be punished by community service or by a fine or by restriction of liberty or by arrest.

**Article 162. Exploitation of a Child for Pornography**

1. A person who recruits, forces to participate or involves a child in pornographic events or exploits the child for such purposes or exploits the child for the production of pornographic material or gains profit from such activities of the child

shall be punished by a custodial sentence for a term of up to eight years.

2. A person who takes part in a pornographic event wherein a child is involved shall be punished by a fine or by arrest or by a custodial sentence for a term of up to two years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

**Article 163. Abuse of the Rights or Duties of Parents, a Guardian or Custodian or Other Legal Representatives of a Child**

A person who abuses the rights of a father, mother, guardian or custodian or other legal representatives of a child by physically or mentally harassing a child, leaving him for long periods without care or by mistreating him in a similar cruel manner

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to five years.

**Article 164. Evasion of a Child's Maintenance**

A person who evades his duty as established by a decision of a court to maintain a child, pay for the maintenance of the child or provide another required support to the child

shall be punished by community service or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.

**CHAPTER XXIV**  
**CRIMES AGAINST INVIOABILITY OF A PERSON'S PRIVATE LIFE**

**Article 165. Unlawful Violation of Inviolability of a Person's Dwelling**

1. A person who unlawfully, in a secret or open manner by resorting to deceit or violence or otherwise against the will of an owner or the persons authorised by him, intrudes into another person's residential house, apartment or other residential premises or fixtures thereof, including the dwelling's guarded territory,

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two year.

2. A person shall be held liable for the act provided for in this Article only under a complaint filed by the victim or a statement by the legal representative thereof or at the prosecutor's request or when the pre-trial investigation is initiated upon establishing signs of domestic violence.

**Article 166. Violation of Inviolability of a Person's Correspondence**

1. A person who unlawfully intercepts a postal item or postal parcel sent by post or via a provider of courier services or unlawfully intercepts, records or observes a person's messages transmitted by electronic communications networks or unlawfully records, wiretaps or observes a person's conversations transmitted by electronic communications networks or otherwise violates inviolability of a person's correspondence

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two year.

2. A legal entity shall also be held liable for an act provided for in this Article.

**Article 167. Unlawful Collection of Information about a Person's Private Life**

1. A person who unlawfully collects information about a person's private life shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to three years.

2. A legal entity shall also be held liable for an act provided for in this Article.

**Article 168. Unauthorised Disclosure or Use of Information about a Person's Private Life**

1. A person who, without another person's consent, makes public, uses for his own benefit or for the benefit of another person information about the private life of another person, where he gains access to that information through his service or profession or in the course of performance of a temporary assignment or he collects it through the commission of an act provided for in Articles 165-167 of this Code,

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to three years.

2. A legal entity shall also be held liable for an act provided for in this Article.

3. A person shall be held liable for an act provided for in this Article only under a complaint filed by the victim or a statement by the legal representative thereof or at the prosecutor's request.

**CHAPTER XXV**  
**CRIMES AND MISDEMEANOURS**  
**AGAINST A PERSON'S EQUAL RIGHTS AND FREEDOM OF CONSCIENCE**

**Article 169. Discrimination on Grounds of Nationality, Race, Sex, Descent, Religion or Belonging to Other Groups**

A person who carries out the actions aimed at hindering, on grounds of age, sex, sexual orientation, disability, race, nationality, language, descent, social status, religion, convictions or views, a group of persons or a person belonging thereto to participate on a par with other persons in political, economic, social, cultural, labour or other activities or at restricting the rights and freedoms of such a group of persons or of the person belonging thereto

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to three years.

#### **Article 170. Incitement against Any National, Racial, Ethnic, Religious or Other Group of Persons**

1. A person who, for the purposes of distribution, produces, acquires, sends, transports or stores the items ridiculing, expressing contempt for, urging hatred of or inciting discrimination against a group of persons or a person belonging thereto on grounds of age, sex, sexual orientation, disability, race, nationality, language, descent, social status, religion, convictions or views or inciting violence, a physical violent treatment of such a group of persons or the person belonging thereto or distributes them

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to one year.

2. A person who publicly ridicules, expresses contempt for, urges hatred of or incites discrimination against a group of persons or a person belonging thereto on grounds of age, sex, sexual orientation, disability, race, nationality, language, descent, social status, religion, convictions or views

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.

3. A person who publicly incites violence or a physical violent treatment of a group of persons or a person belonging thereto on grounds of age, sex, sexual orientation, disability, race, nationality, language, descent, social status, religion, convictions or views or finances or otherwise supports such activities

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to three years.

4. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 170<sup>1</sup>. Creation and Activities of the Groups and Organisations Aiming at Discriminating a Group of Persons or Inciting against It**

1. A person who creates a group of accomplices or an organised group or organisation aiming at discriminating a group of persons on grounds of age, sex, sexual orientation, disability, race, nationality, language, descent, social status, religion, convictions or views or inciting against it or participates in the activities of such a group or organisation or finances or otherwise supports such a group or organisation

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to one year.

2. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 170<sup>2</sup>. Public Condonation of International Crimes, Crimes Committed by the USSR or Nazi Germany against the Republic of Lithuania or Inhabitants Thereof, Denial or Gross Trivialisation of the Crimes**

1. A person who publicly condones the crimes of genocide or other crimes against humanity or war crimes recognised under legal acts of the Republic of Lithuania or the European Union or effective judgements passed by courts of the Republic of Lithuania or international courts, denies or grossly trivialises them, where this is accomplished in a

manner which is threatening, abusive or insulting or which disturbs the public order, also a person who publicly condones the aggression perpetrated by the USSR or Nazi Germany against the Republic of Lithuania, the crimes of genocide or other crimes against humanity or war crimes committed by the USSR or Nazi Germany in the territory of the Republic of Lithuania or against the inhabitants of the Republic of Lithuania or other grave or serious crimes committed during 1990-1991 against the Republic of Lithuania by the persons perpetrating or participating in perpetration of the aggression against the Republic of Lithuania or grave crimes against the inhabitants of the Republic of Lithuania, denies or grossly trivialises them, where this is accomplished in a manner which is threatening, abusive or insulting or which disturbs the public order,

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.

2. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 171. Disturbance of Religious Ceremonies or Religious Celebrations**

A person who, through the use of taboo words, carrying out of defiant actions, making threats, taunting or other indecent actions, disrupted the services or other ceremonies or celebrations held by a religious community or society recognised by the State shall be considered to have committed a misdemeanour and

shall be punished by community service or by a fine or by restriction of liberty or by arrest.

### **CHAPTER XXVI**

#### **CRIMES AGAINST PERSONS' VOTING RIGHTS AND THE PROCEDURE OF ELECTIONS OF THE PRESIDENT OF THE REPUBLIC OF LITHUANIA, ELECTIONS TO THE SEIMAS, THE EUROPEAN PARLIAMENT AND MUNICIPAL COUNCILS OR THE PROCEDURE FOR CONDUCTING REFERENDUMS**

#### **Article 172. Hindering the Exercise of the Right of Elections or Referendums**

1. A person who, using mental coercion or bribery or deception, hinders a person to exercise his right to elect, to be elected or to participate in a referendum or organises such hindering to exercise the right to elect, to be elected or to participate in the referendum

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to four years.

2. A person who commits the act provided for in paragraph 1 of this Article, where it results in the annulment of elections or a referendum,

shall be punished by a fine or by a custodial sentence for a term of up to five years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 173. Forgery of an Election or Referendum Document or Use of a Forged Election or Referendum Document**

1. A person who, for the purpose of influencing the results of elections or a referendum, forges a voters' list, a list of the citizens having the right to participate in the referendum, a vote counting record, an election or referendum ballot, produces a large number of false election or referendum ballots or uses a forged or false election or referendum document or organises the forgery, production or use of such documents

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to four years.

2. A person who commits the act provided for in paragraph 1 of this Article, where it results in the annulment of elections or a referendum, shall be punished by a custodial sentence for a term of up to five years.
3. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 174. Incorrect Counting of Election Votes**

1. A person who, for the purpose of influencing the results of elections or a referendum, incorrectly counts and records election votes or votes of the citizens participating in the referendum or organises the incorrect counting or recording of the votes

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to four years.

2. A person who commits the act provided for in paragraph 1 of this Article, where it results in the annulment of elections or a referendum,

shall be punished by arrest or by a fine or by a custodial sentence for a term of up to five years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 175. Destruction, Spoiling, Seizure or Concealment of an Election or Referendum Document**

1. A person who destroys, spoils, seizes or conceals a list of voters or the citizens having the right to participate in a referendum, an election or referendum ballot or a vote counting record, where this results in the annulment of the elections or the referendum or significantly influences the results of the elections or the referendum or organises the destruction, spoiling, seizure or concealing of these documents

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to five years.

2. A legal entity shall also be held liable for the acts provided for in this Article.

### **CHAPTER XXVII**

#### **CRIMES AND MISDEMEANOURS AGAINST A PERSON'S SOCIAL RIGHTS**

#### **Article 176. Violation of Requirements of Safety and Health Protection at Work**

1. An employer or a person authorised by him who violates the requirements of safety or health protection at work as stipulated in the Law on Safety and Health at Work or other legal acts, where this results in an accident at work, a breakdown or causes other serious consequences,

shall be punished by a fine or by a custodial sentence for a term of up to eight years.

2. The act provided for in this Article shall be considered as criminal also where it is committed through negligence.

#### **Article 177. Hindering the Activities of Trade Unions**

A person who hinders the lawful activities of a trade union or a member thereof shall be considered to have committed a misdemeanour and

shall be punished by community service or by a fine or by restriction of liberty.

### **CHAPTER XXVIII**

#### **CRIMES AND MISDEMEANOURS AGAINST PROPERTY, PROPERTY RIGHTS AND PROPERTY INTERESTS**

### **Article 178. Theft**

1. A person who seizes another's property shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to three years.

2. A person who openly seizes another person's property or seizes another person's property by intruding into a room, a communications cable duct system, storage facility or guarded area or seizes another person's property in a public place from the person's clothing, bag or another item (pickpocketing) or a vehicle or seizes a property comprising the infrastructure of legal persons of strategic or considerable importance to national security or a part thereof

shall be punished by a fine or by arrest or by restriction of liberty or by a custodial sentence for a term of up to six years.

3. A person who seizes another's property of a high value or the valuables of a considerable scientific, historical or cultural significance or seizes another's property by participating in an organised group

shall be punished by a custodial sentence for a term of up to eight years.

4. A person who seizes another's property of a low value shall be considered to have committed a misdemeanour and

shall be punished by community service or by a fine or by restriction of liberty or by arrest.

5. A person shall be held liable for the acts provided for in paragraphs 1 and 4 of this Article only under a complaint filed by the victim or a statement by the legal representative thereof or at the prosecutor's request.

### **Article 179. Unlawful Use of Energy and Communications Services**

1. A person who uses heat, gas, water, telecommunications or other items having an economic value by unlawfully connecting to energy supply or a communications network or a storage facility, by distorting meter readings or by other unlawful means and thereby incurs property damage to another person

shall be punished by community service or by a fine or by restriction of liberty or by a custodial sentence for a term of up to two years.

2. A person who commits the act indicated in paragraph 1 of this Article and thereby incurs major property damage to another person

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to six years.

3. A person who commits the act indicated in paragraph 1 of this Article and thereby incurs minor property damage to another person shall be considered to have committed a misdemeanour and

shall be punished by community service or by a fine or by restriction of liberty or by arrest.

4. A legal entity shall also be held liable for the acts provided for in this Article.

5. A person shall be held liable for the acts provided for in paragraphs 1 and 3 of this Article only under a complaint filed by the victim or a statement by the legal representative thereof or at the prosecutor's request.

### **Article 180. Robbery**

1. A person who, through the use of physical violence or by threatening the immediate use thereof or by otherwise depriving of a possibility of resistance or by taking advantage of the helpless state of the victim, seizes another's property

shall be punished by arrest or by a custodial sentence for a term of up to six years.

2. A person who commits the robbery by breaking into premises or using a weapon other than a firearm, a knife or another item specially designed to injure a person shall be punished by a custodial sentence for a term of up to seven years.

3. A person who commits a robbery by using a firearm or an explosive or, having committed a robbery, seizes a property of a high value or the valuables of a considerable scientific, historical or cultural significance or commits the robbery by participating in an organised group shall be punished by a custodial sentence for a term of two up to ten years.

#### **Article 181. Extortion of Property**

1. A person who, without a lawful ground therefor, openly or secretly for own benefit or for the benefit of other persons demands property from another person, asks to grant a property right or to release from a property obligation or to carry out other property related actions or to refrain from such actions by threatening to use physical violence against the victim or another person, to damage or destroy his property, to publish a compromising or other information whose disclosure is undesired or through the use of other mental coercion

shall be punished by arrest or by a custodial sentence for a term of up to six years.

2. A person who, when extorting property, uses physical violence, deprives a person of his liberty, destroys or damages his property or otherwise incurs major property damage thereto

shall be punished by a custodial sentence for a term of up to eight years.

3. A person who extorts a property of a high value or the valuables of a considerable scientific, historical or cultural significance or extorts property by participating in an organised group

shall be punished by a custodial sentence for a term of three up to ten years.

#### **Article 182. Swindling**

1. A person who, by deceit, acquires another's property for own benefit or for the benefit of other persons or acquires a property right, avoids a property obligation or annuls it

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to three years.

2. A person who, by deceit and for own benefit or for the benefit of other persons, acquires another's property of a high value or a property right or the valuables of a considerable scientific, historical or cultural significance or avoids a property obligation of a high value or annuls it or swindles by participating in an organised group

shall be punished by a custodial sentence for a term of up to eight years.

3. A person who, by deceit and for own benefit or for the benefit of other persons, acquires another's property of a low value or acquires a property right, avoids a property obligation of a low value or annuls it shall be considered to have committed a misdemeanour and

shall be punished by community service or by a fine or by restriction of liberty or by arrest.

4. A person shall be held liable for the acts provided for in paragraphs 1 and 3 of this Article only under a complaint filed by the victim or a statement by the legal representative thereof or at the prosecutor's request.

5. Legal entities shall also be held liable for the acts provided for in paragraphs 1 and 2 of this Article.

#### **Article 182<sup>1</sup>. Manipulation of Sports Competitions**

1. A person who unlawfully affects the fair progress or outcome of a professional sports competition

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to four years.

2. A person who commits an act provided for in paragraph 1 of this Article shall be released from criminal liability if he, prior to his declaration as suspect, voluntarily notifies thereof a law enforcement institution and actively cooperates in detecting this criminal act.

3. A legal entity shall also be held liable for an act provided for in paragraph 1 of this Article.

### **Article 183. Misappropriation of Property**

1. A person who misappropriates another's property or property right entrusted to him or held at his disposal

shall be punished by community service or by a fine or by a custodial service for a term of up to three years.

2. A person who misappropriates another's property or property right of a high value entrusted to him or held at his disposal or the valuables of a considerable scientific, historical or cultural significance

shall be punished by a custodial sentence for a term of up to ten years.

3. A person who misappropriates another's property or property right of a low value entrusted to him or held at his disposal shall be considered to have committed a misdemeanour and

shall be punished by community service or by a fine or by arrest.

4. Legal entities shall also be held liable for the acts provided for in paragraphs 1 and 2 of this Article.

5. A person shall be held liable for the acts provided for in paragraphs 1 and 3 of this Article only under a complaint filed by the victim or a statement by the legal representative thereof or at the prosecutor's request.

### **Article 184. Squandering of Property**

1. A person who squanders another's property or property right entrusted to him or held at his disposal

shall be punished by community service or by a fine or by restriction of liberty or by a custodial sentence for a term of up to two years.

2. A person who squanders another's property or property right of a high value entrusted to him or held at his disposal or the valuables of a considerable scientific, historical or cultural significance

shall be punished by a custodial sentence for a term of up to seven years.

3. A person who squanders another's property or property right of a low value entrusted to him or held at his disposal shall be considered to have committed a misdemeanour and

shall be punished by community service or by a fine or by arrest.

4. The acts provided for in paragraphs 1 and 2 of this Article shall be criminal also where they are committed through negligence.

5. A person shall be held liable for the acts provided for in paragraphs 1 and 3 of this Article only under a complaint filed by the victim or a statement by the legal representative thereof or at the prosecutor's request.

6. A legal entity shall also be held liable for an act provided for in paragraphs 1 and 2 of this Article.

### **Article 185. Misappropriation of a Found Item**

A person who misappropriates a found treasure, the valuables of a considerable scientific, historical or cultural significance, another found item of a high value or another's property of a high value coming into his possession by chance

shall be punished by community service or by a fine or by arrest or by a custodial sentence for a term of up to two years.

### **Article 186. Causing Property Damage by Deceit**

1. A person who, by deceit, evades settlement for the works received, the goods delivered, the services rendered or obligatory payments and thereby incurs major property damage to another person

shall be punished by community service or by a fine or by restriction of liberty or by a custodial sentence for a term of up to two years.

2. A person who, by deceit, incurs minor property damage to another person shall be considered to have committed a misdemeanour and

shall be punished by community service or by a fine or by restriction of liberty or by arrest.

3. A legal entity shall also be held liable for an act provided for in paragraph 1 of this Article.

4. A person shall be held liable for the acts provided for in paragraphs 1 and 2 of this Article only under a complaint filed by the victim or a statement by the legal representative thereof or at the prosecutor's request.

### **Article 187. Destruction of or Damage to Property**

1. A person who destroys or damages another's property

shall be punished by community service or by a fine or by restriction of liberty or by a custodial sentence for a term of up to two years.

2. A person who destroys or damages another's property in a generally dangerous manner or by taking apart or damaging an installation or assembled units, where this could have caused harm to people, or destroys, dismantles or damages a property comprising the infrastructure of legal persons of strategic or considerable importance to national security or a part thereof, or destroys or damages another's property of a high value or the valuables of a considerable scientific, historical, or cultural significance

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to five years.

3. A person who destroys or damages another's property of a low value shall be considered to have committed a misdemeanour and

shall be punished by community service or by a fine or by restriction of liberty or by arrest.

4. A person shall be held liable for the acts provided for in paragraphs 1 and 3 of this Article only under a complaint filed by the victim or a statement by the legal representative thereof or at the prosecutor's request.

### **Article 188. Destruction of or Damage to Property through Negligence**

1. A person who destroys or damages through negligence another's property and incurs major property damage to the victim or destroys or damages the valuables of a considerable scientific, historical or cultural significance

shall be punished by community service or by a fine or by restriction of liberty or by a custodial sentence for a term of up to two years.

2. A person who commits the act provided for in paragraph 1 of this Article in violation of the special conduct security rules as specified by legal acts shall be punished by a fine or by arrest or by a custodial sentence for a term of up to three years.

3. A person shall be held liable for the acts provided for in paragraphs 1 and 2 of this Article only under a complaint filed by the victim or a statement by the legal representative thereof or at the prosecutor's request.

4. A legal entity shall also be held liable for an act provided for in paragraph 2 of this Article.

#### **Article 189. Acquisition or Handling of Property Obtained by Criminal Means**

1. A person who acquires, uses or handles property while being aware that the property has been obtained by criminal means shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.

2. A person who acquires, uses or handles property of a high value or the valuables of a considerable scientific, historical or cultural significance while being aware that the property or the valuable properties have been obtained by criminal means shall be punished by a fine or by arrest or by a custodial sentence for a term of up to four years.

3. A person who acquires, uses or handles property of a low value while being aware that the property has been obtained by criminal means shall be considered to have committed a misdemeanour and

shall be punished by community service or by a fine or by arrest.

4. A legal entity shall also be held liable for an act provided for in paragraphs 1 and 2 of this Article.

#### **Article 189<sup>1</sup>. Unjust Enrichment**

1. A person who holds by the right of ownership the property whose value exceeds 500 MSLs, while being aware or being obliged and likely to be aware that such property could not have been acquired with legitimate income,

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to four years.

2. A person who takes over the property referred to in paragraph 1 of this Article from third parties shall be released from criminal liability for unjust enrichment where he gives a notice thereof to law enforcement institutions before the service of a notice of suspicion and actively cooperates in determining the origin of the property.

3. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 190. Interpretation of the Value of Property**

1. The property provided for in this Chapter shall be considered to be of a considerable value where the value thereof exceeds the amount of 250 MSLs and of a low value where the value thereof exceeds the amount of 3 MSL, but does not exceed the amount of 5 MSLs.

2. The legitimate income referred to in Article 189<sup>1</sup> of this Chapter shall be income derived from activities not prohibited by legal acts, irrespective of whether or not it has been accounted for in accordance with the procedure laid down by legal acts.

### **CHAPTER XXIX CRIMES AGAINST INTELLECTUAL AND INDUSTRIAL PROPERTY**

### **Article 191. Misappropriation of Authorship**

1. A person who publishes or publicly announces as his own a literary, scientific or artistic work (including computer software and databases) or a part thereof created by another person

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two year.

2. A person who, by taking advantage of his official position or by resorting to mental coercion, forces the author of a literary, scientific or artistic work (including computer software and databases) or a part thereof to acknowledge another person as the co-author or successor to author's rights or to renounce the right of authorship

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to three years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

### **Article 192. Unlawful Reproduction of a Literary, Scientific or Artistic Work or an Object of Related Rights, Distribution, Transportation or Storage of Illegal Copies Thereof**

1. A person who unlawfully reproduces a literary, scientific or artistic work (including computer software and databases) or an object of related rights or a part thereof for commercial purposes or distributes, transports or stores for commercial purposes illegal copies thereof, where the total value of the copies exceeds, according to the prices of legal copies or, in the absence thereof, according to the prices of originals of the reproduced works, the amount of 100 MSLs,

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two year.

2. A person who commits the act indicated in paragraph 1 of this Article, where the total value of the illegal copies exceeds, according to the prices of legal copies or, in the absence thereof, according to the prices of originals of the reproduced works, the amount of 250 MSLs,

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to three years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

### **Article 193. Destruction or Alteration of Information about Management of Author's Rights or Related Rights**

1. A person who, without authorisation of the entity of author's rights or related rights and for commercial purposes, destroys or alters information about management of author's rights or related rights, where this information helps to identify a work, the author of the work, another entity of author's rights or the performer, performance of the work, a phonogram, the producer of the phonogram, another entity of related rights, also information about the terms and conditions of and procedure for using the work, performance thereof or the phonogram, including all figures or codes communicating the information indicated in copies of the work, performance record or the phonogram or presented at the time of their publication

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to one year.

2. A legal entity shall also be held liable for an act provided for in this Article.

### **Article 194. Unlawful Removal of Technical Protection Means of Author's Rights or Related Rights**

1. A person who unlawfully removes any technical protection means used by entities of author's rights or related rights for the exercise or protection of their rights or produces, imports, exports, stores, transports or distributes for commercial purposes the devices providing a possibility to remove the technical protection means (decoders, decoding cards or other devices) or a software, passwords, codes or other similar data

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to two years.

2. A legal entity shall also be held liable for an act provided for in this Article.

#### **Article 195. Violation of Industrial Property Rights**

1. A person who violates the exclusive rights of a patent owner or a design owner or the right of a legal entity to the legal entity's name

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to two years.

2. A legal entity shall also be held liable for an act provided for in this Article.

### **CHAPTER XXX**

## **CRIMES AGAINST SECURITY OF ELECTRONIC DATA AND INFORMATION SYSTEMS**

#### **Article 196. Illegal Data Interference**

1. A person who unlawfully destroys, damages, removes or modifies computer data or a technical equipment, software or otherwise restricts the use of such data thereby incurring damage

shall be punished by community service or by a fine or by a custodial sentence for a term of up to two years.

2. A person who commits the act provided for in paragraph 1 of this Article in respect of the computer data of a number of information systems or the electronic data of an information system of strategic importance for national security or of considerable importance for state governance, the economy or the financial system or by making use of other person's personal data or thereby incurring major damage

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to six years.

3. A person who commits the act provided for in this Article thereby incurring minor damage shall be considered to have committed a misdemeanour and

shall be punished by community service or by a fine or by restriction of liberty or by arrest.

4. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 197. Illegal System Interference**

1. A person who unlawfully hinders or interrupts the functioning of an information system thereby incurring damage

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to two years.

2. A person who commits the act provided for in paragraph 1 of this Article in respect of the computer data of a number of information systems or an information system of strategic importance for national security or of considerable importance for state governance, the economy or the financial system or by making use of other person's personal data or thereby incurring major damage

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to six years.

3. A person who commits the act provided for in this Article thereby incurring minor damage shall be considered to have committed a misdemeanour and shall be punished by community service or by a fine or by restriction of liberty or by arrest.

4. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 198. Unlawful Interception and Use of Electronic Data**

1. A person who unlawfully observes, records, intercepts, acquires, stores, appropriates, distributes or otherwise uses the electronic data which may not be made public

shall be punished by a fine or by a custodial sentence for a term of up to four years.

2. A person who unlawfully observes, records, intercepts, acquires, stores, appropriates, distributes or otherwise uses the electronic data which may not be made public and which are of strategic importance for national security or of major importance for state government, the economy or the financial system

shall be punished by a custodial sentence for a term of up to six years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 198<sup>1</sup>. Unauthorised Access to an Information System**

1. Authorised access to the whole or any part of an information system by damaging the protection means of the information system

shall be punished by community service or by a fine or by arrest or by a custodial sentence for a term of up to two years.

2. Unauthorised access to the whole or any part of an information system of strategic importance for national security or of considerable importance for state governance, the economy or the financial system

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to three years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 198<sup>2</sup>. Unlawful Disposal of Installations, Software, Passwords, Login Codes, Codes and Other Data**

1. A person who, for criminal purposes or by other unlawful means, produces, transports, imports, sells, provides access to or otherwise distributes, acquires or stores the installations or software directly intended or adapted for the commission of criminal acts, also passwords, login codes, codes or other similar data intended for connection to the whole or to any part of an information system

shall be punished by community service or by a fine or by arrest or by a custodial sentence for a term of up to four years.

2. A legal entity shall also be held liable for the acts provided for in this Article.

### **CHAPTER XXXI**

### **CRIMES AND MISDEMEANOURS AGAINST THE ECONOMY AND BUSINESS ORDER**

#### **Article 199. Smuggling**

1. A person who, when transporting across the state border of the Republic of Lithuania the items which must be declared at the customs and whose value exceeds the amount of 250 MSLs, fails to go through the customs control or otherwise avoids this control or transports across the state border of the Republic of Lithuania, without an authorisation, movable cultural properties or antiques

shall be punished by a fine or by a custodial sentence for a term of up to eight years.

2. A person who, without going through the customs control or otherwise avoiding it or without an authorisation, transports across the state border of the Republic of Lithuania the substances indicated in the Law of the Republic of Lithuania on Control of Certain Doping Substances

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to six years.

3. A person who, without going through the customs control or otherwise avoiding it or without an authorisation, transports across the state border of the Republic of Lithuania firearms, ammunition, explosives, explosive, radioactive materials or other strategic goods, toxic, highly active, narcotic or psychotropic substances or precursors of narcotic or psychotropic substances

shall be punished by a custodial sentence for a term of three up to ten years.

4. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 199<sup>1</sup>. Deceit of the Customs**

1. A person who brings into the Republic of Lithuania from a Member State of the European Union the items which must be declared at the customs and whose value exceeds the amount of 250 MSLs and fails to go through the customs control of the Republic of Lithuania or another Member State of the European Union or otherwise avoids this control

shall be punished by a fine or by a custodial sentence for a term of up to eight years.

2. A legal entity shall also be held liable for an act provided for in this Article.

#### **Article 199<sup>2</sup>. Unlawful Possession of the Goods Subject to Excise Duties**

1. A person who, in violation of the established procedure, acquires, stores, transports, forwards, uses or handles the goods subject to excise duties whose value exceeds the amount of 250 MSLs

shall be punished by a fine or a custodial sentence for a term of up to seven years.

2. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 200. Unlawful Failure to Bring Goods or Products outside the Republic of Lithuania**

1. A person who unlawfully fails to bring beyond the state border of the Republic of Lithuania the goods or products whose value exceeds the amount of 250 MSLs and which ought to have been brought outside the Republic of Lithuania according to transit or export documents

shall be punished by a custodial sentence for a term of up to seven years.

2. A legal entity shall also be held liable for an act provided for in this Article.

#### **Article 201. Unlawful Production, Storage, Transportation or Handling of Strong Home-Made Alcoholic Beverages, Non-denatured or Denatured Ethyl Alcohol, Dilutions/Mixtures Thereof and Equipment for Production Thereof**

1. A person who, for the purposes of handling, unlawfully produces, stores, transports strong home-made alcoholic beverages, non-denatured or denatured ethyl alcohol, dilutions/mixtures thereof or handles them or produces, stores, transports or handles equipment for the production of strong home-made alcoholic beverages

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.

2. A person who, for the purposes of handling, unlawfully produces, stores, transports fifty or more litres of strong home-made alcoholic beverages, non-denatured or denatured ethyl alcohol, dilutions/mixtures thereof or handles them

shall be punished by a fine or by a custodial sentence for a term of up to five years.

3. A person who, for the purpose other than handling, unlawfully produces, stores, transports ten or more litres of strong home-made alcoholic beverages or non-denatured or denatured ethyl alcohol, dilutions/mixtures thereof shall be considered to have committed a misdemeanour and

shall be punished by community service or by a fine or by restriction of liberty.

#### **Article 202. Unauthorised Engagement in Economic, Commercial, Financial or Professional Activities**

1. A person who undertakes economic, commercial, financial or professional activities in the form of a business or on a large scale without holding a licence/authorisation to engage in the activities for which it is required or by other unlawful means

shall be punished by community service or by a fine or by restriction of liberty or by a custodial sentence for a term of up to four years.

2. A person who engages in prohibited economic, commercial, financial or professional activities

shall be punished by a custodial sentence for a term of up to four years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 203. Unlawful Activities of a Legal Entity**

1. A person who, on a large scale, engages in the activities not provided for in the founding documents of a public legal entity

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to one year.

2. A person who establishes or is in charge of a legal entity used as a cover for unlawful activities

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to two years.

3. A legal entity shall also be held liable for an act provided for in paragraph 1 of this Article.

#### **Article 204. Use of Another's Trademark or Service Mark**

1. A person who, without holding an authorisation, identifies a large quantity of goods with another's trademark or presents them for handling or makes use of another's service mark and thereby incurs major damage

shall be punished by a fine or by restriction of liberty or by a custodial sentence for a term of up to two years.

2. A person who, without holding an authorisation, identifies a small quantity of goods with another's trademark or presents them for handling or makes use of another's service mark and thereby incurs damage shall be considered to have committed a misdemeanour and

shall be punished by community service or by a fine or by restriction of liberty.

3. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 205. Misleading Declaration about the Activities of a Legal Entity**

1. A person who, on behalf of a legal entity, presents in an official report or in an application misleading data concerning the activities or assets of the legal entity and

thereby misleads a government institution, international public organisation, creditor, member of the legal entity or another person who suffers major property damage as a result thereof

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.

2. A legal entity shall also be held liable for an act provided for in this Article.

**Article 206. Use of a Credit, Loan or Targeted Support Not in Accordance with Its Purpose or the Established Procedure**

1. A person who, upon obtaining a credit, loan or targeted support in the amount of 150 MSLS or more, uses it not in accordance with its purpose or the established procedure

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to one year.

2. A person who, upon obtaining a credit or loan, uses it not in accordance with its purpose or the established procedure and fails to repay it within the established time limit thereby incurring major property damage to the creditor, guarantor or another person

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

**Article 207. Credit Fraud**

1. A person who, by deceit, obtains a credit, loan, subsidy, warranty or bank guarantee statement or another credit obligation

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to three years.

2. A legal entity shall also be held liable for an act provided for in this Article.

**Article 208. Dishonesty of a Debtor**

1. A person who, owing to a difficult economic situation or insolvency, when facing obvious bankruptcy and being unable to meet all creditors' claims, meets claims of only one or several of them or secures claims of one or several creditors and thereby incurs property damage to the remaining creditors

shall be punished by a fine or by a custodial sentence for a term of up to two years.

2. A person who, owing to a difficult economic situation or insolvency, when facing obvious bankruptcy, conceals, squanders, conveys, transfers abroad or sells his property at an unjustifiably low price, while it could have been utilised to repay debts, and thereby incurs property damage to creditors

shall be punished by a fine or by a custodial sentence for a term of up to three years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

**Article 209. Criminal Bankruptcy**

A person who brings an undertaking to bankruptcy by deliberate mismanagement and thereby incurs major property damage to creditors

shall be punished by a custodial sentence for a term of up to three years.

**Article 210. Commercial Espionage**

A person who unlawfully acquires the information considered to be a commercial secret or communicates this information to another person

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.

### **Article 211. Disclosure of a Commercial Secret**

A person who discloses the information considered to be a commercial secret which was entrusted to him or which he accessed through his service or work, where this act incurs major property damage to the victim,

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.

### **Article 212. Interpretation of Concepts**

1. In this Chapter, the indicated major property damage shall be a damage exceeding the amount of 150 MSLs.

2. The value of the items/goods indicated in Articles 199, 199<sup>1</sup>, 199<sup>2</sup> and 200 of this Chapter shall be calculated according to their customs value, including the taxes to be paid.

3. The strong home-made alcoholic beverages indicated in Article 201 of this Chapter shall be the alcoholic beverages whose ethyl alcohol strength by volume exceeds 18%.

4. The legal entities indicated in this Chapter shall be any legal entities, with the exception of the State, a municipality, a state and municipal institution and agency as well as an international public organisation.

## **CHAPTER XXXII**

### **CRIMES AND MISDEMEANOURS AGAINST THE FINANCIAL SYSTEM**

#### **Article 213. Production, Storage or Handling of Counterfeit Currency or Securities**

1. A person who produces counterfeit or forges genuine currency or securities of Lithuania or another state which are in circulation or which have been officially approved, but have not been issued into circulation yet or acquires, imports, exports, transports, stores or handles counterfeit or forges genuine currency or securities of Lithuania or another state which are in circulation or which have been officially approved, but have not been issued into circulation yet or produces, acquires, stores or handles the equipment, software, electronic data or other means, including any means of protection or special materials directly intended or adapted for the production of counterfeit currency or securities or for the forgery of genuine currency or securities

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to four years.

2. A person who produces, forges, acquires, imports, exports, transports, stores or handles, in a large quantity or of a high value, counterfeit or forged currency or securities which are in circulation in Lithuania or another state or which have been officially approved, but have not been issued into circulation yet

shall be punished by a custodial sentence for a term of three up to ten years.

3. A person who, upon obtaining as genuine, handles a small quantity of counterfeit or forged currency or securities which are known to be such and are in circulation in Lithuania or another state

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.

4. A person who, while being authorised to produce genuine currency, but in violation of the established procedure for or conditions of producing currency, produces the currency which is in circulation in Lithuania or another state or which has been officially approved, but has not been issued into circulation yet, also a person who stores,

imports, exports, transports, acquires or handles such currency while being aware that it has been produced in violation of the procedure for or conditions of producing currency, shall be punished by a fine or by arrest or by a custodial sentence for a term of up to four years.

5. A legal entity shall also be held liable for the acts provided for in this Article.

**Article 214. Production of a Counterfeit Electronic Means of Payment, Forgery of a Genuine Electronic Means of Payment or Unlawful Possession of an Electronic Means of Payment or Data Thereof**

1. A person who produces one or more counterfeit electronic means of payment or parts thereof or forges one or more genuine electronic means of payment or unlawfully acquires, stores, transfers or handles one or more another person's, counterfeit or forged electronic means of payment or unlawfully acquires, stores, transfers or handles data of one or more electronic means of payment or data of the means of identification of the user thereof sufficient to initiate a financial operation or produces, acquires, stores, transfers or handles the equipment, software or other means directly intended or adapted for the production of counterfeit electronic means of payment or parts thereof or for the forgery of genuine electronic means of payment

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to six years.

2. A legal entity shall also be held liable for the acts provided for in this Article.

**Article 215. Unlawful Use of an Electronic Means of Payment or Data Thereof**

1. A person who unlawfully initiates or performs one or more financial operations with the help of one or more another person's, counterfeit or forged electronic means of payment or by unlawfully using one or more another person's electronic means of payment or data of the means of identification of the user thereof or by using the data of one or more identification means which are known to be counterfeit or recognises as lawful the unlawful use of one or more another person's, counterfeit or forged electronic means of payment, which is known to be unlawful,

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to six years.

2. A legal entity shall also be held liable for the acts provided for in this Article.

**Article 216. Laundering of Property as Proceeds from Crime**

1. A person who, with a view to concealing or legitimising his own or another person's property, while being aware that it has been obtained as proceeds from crime, acquires, manages, uses, transfers the property to other persons, performs financial operations related to this property, enters into transactions, uses it in economic and commercial activities, otherwise transforms it or falsely indicates that it has been obtained from lawful activities, also a person who conceals the actual nature of his own or another person's property, its source, location, disposal and movement or ownership thereof or other rights related to the property, while being aware that the property has been obtained as proceeds from crime,

shall be punished by a fine or a custodial sentence for a term of up to seven years.

2. A legal entity shall also be held liable for the acts provided for in this Article.

**Article 217. Trading in Financial Instruments Through Access to Inside Information**

1. A person who, having access to inside information about the events essential for the issuer or other inside information relating to the issuer or financial instruments thereof,

directly or indirectly enters into a transaction on the financial instruments of this issuer or places, modifies or cancels an order to buy or sell the financial instruments of this issuer or communicates this information to third parties or recommends or offers third parties to acquire or to transfer the financial instruments of the issuer where to such inside information is related to or to modify or cancel the order to buy or sell the financial instruments of this issuer, where as a result thereof that person avoids major property damage or obtains major property benefit for own benefit or for the benefit of other persons or incurs major property damage to the issuer or another market participant or causes serious consequences for the market in financial instruments and/or the financial system,

shall be punished by restriction of liberty or by a fine or by a custodial sentence for a term of up to four years.

2. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 218. Market Manipulation in Financial Instruments**

1. A person who directly or indirectly enters into a transaction or places an order to buy or sell financial instruments or spreads false, misleading or incomplete information about the issuer or financial instruments thereof in order to artificially increase or reduce the price of the financial instruments or to give false or misleading signals as to the supply of, demand for, or price of the financial instruments or the price thereof or to secure the price of the financial instruments at an abnormal or artificial level or directly or indirectly enters into a transaction or places an order to buy or sell the financial instruments employing a fictitious device or any other means prohibited by legal acts, where as a result thereof that person avoids major property damage or obtains major property benefit for own benefit or for the benefit of other persons or incurs major property damage to the issuer or another market participant or causes serious consequences for the market in financial instruments and/or the financial system,

shall be punished by restriction of liberty or by a fine or by a custodial sentence for a term of up to four years.

2. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 219. Failure to Pay Taxes**

1. A person who, upon filing a tax return or submitting a report approved in accordance with the established procedure or another document, fails to timely pay the taxes calculated according thereto after he is reminded by an institution authorised by the State about the duty to pay taxes

shall be punished by a fine or by a custodial sentence for a term of up to four years.

2. A person who, having committed the act indicated in paragraph 1 of this Article, fails to pay taxes in the amount of over 500 MSLs as payable by him

shall be punished by a custodial sentence for a term of two up to six years.

3. A person who, having committed the act indicated in paragraph 1 of this Article, fails to pay taxes in the amount not exceeding 10 MSLs as payable by him shall be considered to have committed a misdemeanour

shall be punished by community service or by a fine or by restriction of liberty.

4. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 220. Provision of Inaccurate Data on Income, Profit or Assets**

1. A person who, seeking to evade the payment of taxes the amount whereof exceeds 100 MSLs, provides data on the person's income, profit, assets or the use thereof that are known to be inaccurate in a tax return or in a report approved in accordance with

the specified procedure or in another document and submits such data to an institution authorised by the State

shall be punished by a fine or by a custodial sentence for a term of up to four years.

2. A person who commits the act indicated in paragraph 1 of this Article, where the tax amount exceeds 750 MSLS or by participating in an organised group,

shall be punished by a custodial sentence for a term of up to eight years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 221. Failure to File a Tax Return or to Submit a Report or Another Document**

1. A person who fails, in accordance with the procedure laid down by legal acts and seeking to evade the payment of taxes or other fees the amount whereof exceeds 100 MSLS, to timely file with an institution authorised by the State a tax return or to submit thereto a report approved in accordance with the specified procedure or another document concerning a person's income, profit or assets after this state institution reminds him in writing of the duty to submit them

shall be punished by a fine or by a custodial sentence for a term of up to four years.

2. A person who commits the act indicated in paragraph 1 of this Article, where the amount of taxes or other fees exceeds 500 MSLS,

shall be punished by a custodial sentence for a term of two up to six years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 222. Fraudulent Management of Accounts**

1. A person who fraudulently manages the accounts required by legal acts or conceals, destroys or damages accounting documents, where this disables, fully or in part, determination of the person's activities, the amount or structure of the assets, equity or liabilities thereof,

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to four years.

2. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 223. Negligent Management of Accounts**

1. A person who is under the obligation, but fails to manage the accounts required by legal acts or negligently manages the accounts required by legal acts or fails to store the accounting documents for a period stipulated by laws, where this disables, fully or in part, determination of the person's activities, the amount or structure of the assets, equity or liabilities thereof,

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.

2. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 224. Production, Storage or Handling of Counterfeit or Forged Postage Stamps, Travel or Other Tickets, Tax Stamps or Other Official Marking Signs**

1. A person who produces, stores or handles counterfeit or forged postage stamps, travel or other tickets, tax stamps or other official marking signs

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.

2. A person who produces, stores or handles, in a large quantity or of a high value, counterfeit or forged postage stamps, travel or other tickets, tax stamps or other official marking signs

shall be punished by a custodial sentence for a term of up to four years.

**Article 224<sup>1</sup>. Interpretation of Concepts**

1. The property referred to in Article 216 of this Chapter as obtained as proceeds from crime shall be property of any form obtained directly or indirectly from a criminal act.

2. The property damage and property benefit referred to in Articles 217, 218 of this Chapter shall be considered as major when the value thereof exceeds the amount of 250 MSLs.

3. The inside information referred to in Article 217 of this Chapter shall be interpreted as defined in Article 7(1) to (4) of Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC and may only be made public in accordance with the procedure laid down in Article 17 of this Regulation.

**CHAPTER XXXIII  
CRIMES AND MISDEMEANOURS AGAINST CIVIL SERVICE AND PUBLIC  
INTEREST**

**Article 225. Bribery**

1. A civil servant or a person equivalent thereto who, for own benefit or for the benefit of other persons, directly or indirectly on his own or through an intermediary, promises or agrees to accept a bribe, demands or provokes giving it or accepts it for a lawful act or omission in exercising his powers

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to five years.

2. A civil servant or a person equivalent thereto who, for own benefit or for the benefit of other persons, directly or indirectly on his own or through an intermediary, promises or agrees to accept a bribe, demands or provokes giving it or accepts it for an unlawful act or omission in exercising his powers

shall be punished by a fine or a custodial sentence for a term of up to seven years.

3. A civil servant or a person equivalent thereto who, for own benefit or for the benefit of other persons, directly or indirectly on his own or through an intermediary, promises or agrees to accept a bribe, demands or provokes giving it or accepts a bribe of the value exceeding 250 MSLs for a lawful or unlawful act or omission in exercising his powers

shall be punished by a custodial sentence for a term of two up to eight years.

4. A civil servant or a person equivalent thereto who, for own benefit or for the benefit of other persons, directly or indirectly on his own or through an intermediary, promises or agrees to accept a bribe, demands or provokes giving it or accepts a bribe of the value lower than 1 MSL for a lawful or unlawful act or omission in exercising his powers

shall be punished by a fine or by arrest.

5. A civil servant or a person equivalent thereto shall be held liable in accordance with this Code for a promise or agreement to accept a bribe or for a demand or provocation to give a bribe or for the acceptance of a bribe both for a specific act or omission in exercising his powers and for exceptional position or favour.

6. A legal entity shall also be held liable for the acts provided for in this Article.

### **Article 226. Trading in Influence**

1. A person who, by seeking that a person, in taking advantage of his social status, office, powers, family relationship, contacts or other likely influence on a state or municipal institution or agency, international public organisation, a civil servant thereof or a person equivalent thereto, would exert an influence on the respective institution, agency or organisation, civil servant or person equivalent thereto to ensure their lawful or unlawful act or omission in exercising their powers, directly or indirectly on his own or through an intermediary offers, promises to him or to a third party or agrees to give or gives a bribe

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to four years.

2. A person who, by taking advantage of his social status, service, powers, family relationship, contacts or other likely or alleged influence on a state or municipal institution or agency, international public organisation, a civil servant thereof or a person equivalent thereto and for own benefit or for the benefit of other persons, directly or indirectly on his own or through an intermediary promises or agrees to accept a bribe or demands or provokes to give a bribe or accepts a bribe in exchange for a promise to exert an influence on the respective institution, agency or organisation, civil servant or person equivalent thereto to secure their lawful or unlawful act or omission in exercising their powers

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to five years.

3. A person who carries out the actions provided for in paragraph 1 of this Article by offering, promising or agreeing to give or giving, directly or indirectly on his own or through an intermediary, a bribe of the value exceeding 250 MSLs

shall be punished by a fine or a custodial sentence for a term of up to seven years.

4. A person who carries out the actions provided for in paragraph 2 of this Article by promising or agreeing or demanding or provoking to give or accepting, directly or indirectly on his own or through an intermediary, a bribe of the value exceeding 250 MSLs

shall be punished by a custodial sentence for a term of two up to eight years.

5. A person who carries out the actions provided for in paragraph 1 or 2 of this Article by offering, promising or agreeing to give or giving or by promising or agreeing to accept or demanding or provoking to give or by accepting, directly or indirectly on his own or through an intermediary, a bribe of the value lower than 1 MSL shall be considered to have committed a misdemeanour and

shall be punished by a fine or by restriction of liberty or by arrest.

6. A person who commits an act provided for in paragraph 1, 3 or 5 of this Article shall be released from criminal liability where he was demanded or provoked to give a bribe and he, upon offering or promising to give or giving the bribe directly or indirectly on his own or through an intermediary, voluntarily notifies a law enforcement institution thereof within the shortest possible time, but in any case before the delivery of a notice of suspicion raised against him, shall also be released from criminal liability where he promises to give or gives the bribe with the law enforcement institution being aware thereof.

7. Paragraph 6 of this Article shall not apply to a person who offers or promises to give or gives, directly or indirectly on his own or through an intermediary, a bribe to a person referred to in Article 230(2) of this Code.

8. A legal entity shall also be held liable for the acts provided for in paragraphs 1, 2, 3, 4 and 5 of this Article.

### **Article 227. Graft**

1. A person who, directly or indirectly on his own or through an intermediary, offers, promises or agrees to give or gives a bribe to a civil servant or a person equivalent thereto or a third party in exchange for a desired lawful act or omission of the civil servant or person equivalent thereto in exercising his powers

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to four years.

2. A person who, directly or indirectly on his own or through an intermediary, offers, promises or agrees to give or gives a bribe to a civil servant or a person equivalent thereto or a third party in exchange for a desired unlawful act or omission of the civil servant or person equivalent thereto in exercising his powers

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to five years.

3. A person who carries out the actions provided for in paragraph 1 or 2 of this Article by offering, promising or agreeing to give or giving, directly or indirectly on his own or through an intermediary, a bribe of the value exceeding 250 MSLs

shall be punished by a fine or a custodial sentence for a term of up to seven years.

4. A person who carries out the actions provided for in paragraph 1 or 2 of this Article by offering, promising or agreeing to give or giving, directly or indirectly on his own or through an intermediary, a bribe of the value lower than 1 MSL shall be considered to have committed a misdemeanour and

shall be punished by a fine or by restriction of liberty or by arrest.

5. A person who carries out the actions provided for in paragraphs 1, 2, 3, or 4 of this Article shall be held liable in accordance with this Code for seeking, by bribing, both a specific act or omission of a civil servant or a person equivalent to him in exercising his powers, as well as exceptional position or the favour of this person, regardless of how his actions are understood by the civil servant or the person equivalent to him.

6. A person shall be released from criminal liability for grafting where he was demanded or provoked to give a bribe and he, upon offering or promising to give or giving the bribe directly or indirectly on his own or through an intermediary, voluntarily notifies a law enforcement institution thereof within the shortest possible time, but in any case before the delivery of a notice of suspicion raised against him, also where he promises to give or gives the bribe with the law enforcement institution being aware thereof.

7. Paragraph 6 of this Article shall not apply to a person who offers or promises to give or gives, directly or indirectly on his own or through an intermediary, a bribe to a person referred to in Article 230(2) of this Code.

8. A legal entity shall also be held liable for the acts provided for in paragraphs 1, 2, 3 and 4 of this Article.

#### **Article 228. Abuse of Office**

1. A civil servant or a person equivalent thereto who abuses his official position or exceeds his powers, where this incurs major damage to the State, the European Union, an international public organisation, a legal or natural person,

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to five years.

2. A person who commits the act provided for in paragraph 1 of this Article seeking material or another personal gain, in the absence of characteristics of bribery, shall be punished by a fine or a custodial sentence for a term of up to seven years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 228<sup>1</sup>. Unlawful Registration of Rights to an Item**

A civil servant or a person equivalent thereto who, while performing the functions of a registrar in a public register, registers rights to an item shall be punished by a fine or by arrest or by a custodial sentence for a term of up to five years.

#### **Article 229. Failure to Perform Official Duties**

A civil servant or a person equivalent thereto who fails to perform his duties through negligence or performs them inappropriately, where this incurs major damage to the State, the European Union, an international public organisation or a legal or natural person,

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to two years.

#### **Article 230. Interpretation of Concepts**

1. The civil servants referred to in this Chapter shall be state politicians, state officials, judges and civil servants under the Law on the Civil Service and other persons who, by way of employment or by holding office on other statutory grounds at state or municipal institutions or agencies, perform the functions of a government representative or have administrative powers, as well as official candidates for such office.

2. A person who, regardless of his status according to legal acts of a foreign state or a international public organisation, performs the functions of a government representative, including judicial functions, has administrative powers or otherwise ensures the implementation of public interest through employment or by holding office on other grounds at an institution or body of a foreign state or of the European Union, an international public organisation or an international judicial institution or a judicial institution of the European Union or a legal person or another organisation controlled by the foreign state, also official candidates for such office shall be held equivalent to a civil servant. Any foreign territory, regardless of its legal status, which covers all levels and areas of governance shall be considered a foreign state.

3. Moreover, a person who is employed or holds office on other statutory grounds in a public or private legal person or another organisation or is engaged in professional activities and has appropriate administrative powers or is entitled to act on behalf of the legal person or another organisation or provides public services, also an arbitrator or jury shall also be held equivalent to a civil servant.

4. A bribe referred to in this Chapter shall mean an unlawful or unjustified reward expressed in the form of any material or another personal benefit for oneself or for another person (whether tangible or intangible, which have an economic value or market value without such) in exchange for a desired lawful or unlawful act or inaction of a civil servant or a person equivalent thereto in exercising his powers.

5. The exercise of the powers specified in this Chapter shall include any use of the position of a civil servant or a person equivalent to him, regardless of whether this falls within the scope of statutory powers of the civil servant or the person equivalent to him.

6. For the purposes of the application of provisions of Article 72 of this Code, the result of the acts prohibited under Article 226(1), (3) and (5) and Article 227 of this Chapter shall be the property of any type obtained directly or indirectly from such acts, including property benefit arising from a desired act or omission of a civil servant or a person equivalent to him in exercising his powers, regardless of whether it is obtained in the course of an activity which can be carried out lawfully in accordance with the procedure prescribed by legal acts.

**CHAPTER XXXIV**  
**CRIMES AND MISDEMEANOURS AGAINST JUSTICE**

**Article 231. Hindering the Activities of a Judge, Prosecutor, Pre-trial Investigation Officer, Lawyer or Bailiff**

1. A person who, in any manner, hinders a judge, a prosecutor, a pre-trial investigation officer, a lawyer or an officer of the International Criminal Court or of another international judicial institution in performing the duties relating to investigation or hearing of a criminal, civil, administrative case or a case of the international judicial institution or hinders a bailiff in executing a court judgment

shall be punished by community service or by a fine or by restriction of liberty or by a custodial sentence for a term of up to two years.

2. A person who commits the act indicated in paragraph 1 of this Article by using violence or another coercion

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to four years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

**Article 232. Contempt of Court**

A person who publicly, in an abusive manner by an action, word of mouth or in writing, humiliates a court or a judge executing justice by reason of their activities

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to two years.

**Article 233. Influence on a Witness, Victim, Expert, Professional or Translator/Interpreter**

1. A person who, in any manner, seeks to influence a witness, victim, expert, professional or translator/interpreter so that they would give false testimony, present false conclusions, clarifications or incorrect translations during a pre-trial investigation or in court or before the International Criminal Court or at another international judicial institution or hinders their arrival when summoned to a pre-trial investigation officer, a prosecutor, the court or the International Criminal Court or another international judicial institution

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.

2. A person who, in any manner, seeks to influence a witness, an expert, a professional or a translator/interpreter so that they would give false testimony, present false conclusions, clarifications or incorrect translation/interpretation during impeachment proceedings to a special investigation commission formed by the Seimas or to the Seimas or hinders their arrival when summoned to the special investigation commission formed by the Seimas or to the Seimas

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.

3. A person who commits the acts indicated in paragraphs 1 and 2 of this Article by using violence or another coercion

shall be punished by arrest or by a custodial sentence for a term of up to four years.

4. A legal entity shall also be held liable for the acts provided for in this Article.

**Article 234. Influence on the Victim to Reconcile with the Offender**

A person who seeks to influence the victim, a representative of the State or a legal entity to reconcile with the offender, where this involves the use of violence or another coercion,

shall be punished by arrest or by a custodial sentence for a term of up to four years.

### **Article 235. False Complaint, Statement, Report, Testimony, Conclusions and Translation**

1. A person who lodges a false complaint, submits a false statement or report about a criminal act or gives false testimony as a witness or a victim, or presents false conclusions or a clarification as an expert or a professional, or as a translator/interpreter provides a false translation/interpretation or a translation/interpretation known to be incorrect during a pre-trial investigation and/or with a court or the International Criminal Court or another international judicial body

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.

2. A person who, during impeachment proceedings, gives false testimony as a witness, or presents false conclusions or a clarification as an expert or a professional, or as a translator/interpreter makes a false translation or a translation known to be incorrect to a special investigation commission formed by the Seimas or to the Seimas or who submits a false report, clarification, information or data to an ad hoc investigation commission of the Seimas or to a Seimas committee whereto the Seimas has granted the powers of an ad hoc investigation commission

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.

3. A person who commits the act indicated in paragraph 1 of this Article accusing a person of commission of a serious or grave crime

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to five years.

4. The victim or a witness shall not be held liable for giving false testimony where, under laws, he has the right to refuse to give testimony, however was not made familiar with this right before questioning.

### **Article 236. False Denunciation or Report about a Non-Existent Crime**

1. A person who falsely denounces before an authority or officer empowered to initiate prosecution an innocent person to have committed a criminal act, where this results in initiation of prosecution against the person, or who reports a crime known to be non-existent

shall be punished by community service or by a fine or by a custodial sentence for a term of up to two years.

2. A person who carries out the actions provided for in paragraph 1 of this Article and forges evidence for the initiation of prosecution against a person

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to five years.

### **Article 237. Concealment of a Crime or the Perpetrator**

1. A person who, without prior arrangement, conceals, destroys or obliterates the evidence, tools or means of a serious or grave crime committed by another person, the items obtained by criminal means, other articles which are connected with the concealed crime and which have evidential value or conceals the perpetrator

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.

2. The close relatives and family members of the perpetrator shall not be held liable for the acts provided for in this Article.

**Article 238. Failure to Report a Crime**

1. A person who, without a valid reason, fails to report to a law enforcement agency or to a court a grave crime known to him, either in progress or already committed, shall be punished by community service or by a fine or by arrest or by a custodial sentence for a term of up to one year.

2. The close relatives and family members of the perpetrator shall not be held liable for a failure to report a crime.

**Article 239. Disrupting the Work of a Place of Detention**

1. A person who, while held in detention, in custody or serving the sentence of arrest, a custodial sentence or a life custodial sentence, terrorises another person or persons confined in a place of detention

shall be punished by a custodial sentence for a term of up to six years.

2. A person who, while held in detention, in custody or serving the sentence of arrest, a custodial sentence or life custodial sentence, organises riots among other persons confined in a place of detention, where they result in a serious bodily harm or loss of life or incur major property damage or cause other serious consequences, also a person who takes an active part in such riots

shall be punished by a custodial sentence for a term of three up to fifteen years.

**Article 240. Freeing a Prisoner**

A person who, through the use of violence against guards or abuse of trust or by deceit, frees a person held in detention, in custody or serving the sentence of arrest or a custodial sentence or a custodial life sentence

shall be punished by arrest or by a custodial sentence for a term of up to six years.

**Article 241. Escape of a Prisoner**

1. A person who, while held in detention, in custody or serving the sentence of arrest, a custodial sentence or a life custodial sentence, escapes from his place of detention shall be punished by arrest or by a custodial sentence for a term of up to three years.

2. A person who carries out the actions provided for in paragraph 1 of this Article by using violence against guards or other persons or incurring major property damage to his place of detention

shall be punished by a custodial sentence for a term of up to five years.

**Article 242. Evasion of Serving the Sentence of Arrest or a Custodial Sentence or of Return to the Place of Pre-Trial Detention**

A person who, having been sentenced to arrest or custodial sentence, but not yet arrested, evades serving of the imposed penalty or, having been temporarily released from a short-term detention facility or a place of detention or a place of pre-trial detention, fails to timely return without a valid reason

shall be punished by a fine or by a custodial sentence for a term of up to two years.

**Article 243. Evasion of Serving a Non-Custodial Sentence or of Complying with Penal Sanctions**

A person who evades serving of a non-custodial sentence or complying with a penal sanction (with the exception of confiscation of property) shall be considered to have committed a misdemeanour and shall be punished by a fine or by arrest.

**Article 244. Failure to Comply with a Penalty Imposed upon a Legal Entity**

The employee of a legal entity who is responsible for compliance with a penalty imposed upon this legal entity and who fails to comply therewith shall be considered to have committed a misdemeanour and shall be punished by community service or by a fine or by arrest.

**Article 245. Failure to Comply with a Court's Decision Not Associated with a Penalty**

A person who fails to comply with a court's decision not associated with a penalty shall be considered to have committed a misdemeanour and shall be punished by community service or by a fine or by restriction of liberty or by arrest.

**Article 246. Conveyance, Concealment, Destruction of or Damage to a Distraigned or Seized Property or a Property Subject to a Temporary Restriction of the Right of Ownership**

1. A person who conceals, destroys or damages a distraigned or seized property which has been entrusted to him or a property which is subject to a temporary restriction of the right of ownership or who unlawfully conveys this property to another person shall be punished by community service or by a fine or by arrest or by a custodial sentence for a term of up to three years.

2. A person who conceals, destroys or damages a distraigned or seized property of a high value which has been entrusted to him or a property of a high value which is subject to a temporary restriction of the right of ownership or who unlawfully conveys this property to another person shall be punished by a custodial sentence for a term of up to seven years.

**Article 247. Unauthorised Disclosure of Pre-Trial Investigation Data**

A person who discloses pre-trial investigation data prior to the hearing of a case at a court sitting without the authorisation of a judge, a prosecutor or a pre-trial investigation officer investigating this case shall be considered to have committed a misdemeanour and shall be punished by community service or by a fine or by restriction of liberty or by arrest.

**Article 248. Interpretation of Concepts**

1. Close relatives shall be parents/adoptive parents, children/adopted children, brothers, sisters, grand parents and grand children.

2. Family members of the perpetrator shall be the parents/adoptive parents, children/adopted children, brothers, sisters and their spouses living together with him, also the spouse of the perpetrator or the person living with him in common law/partnership and parents of the spouse.

3. Law enforcement institutions shall be the police, other bodies of pre-trial investigation and the prosecutor's office, also entities of criminal intelligence.

4. The property as provided for in this Chapter shall be considered to be of a high value where its value exceeds the amount of 250 MSLs.

**CHAPTER XXXV**  
**CRIMES AGAINST PUBLIC SECURITY**

**Article 249. Criminal Association**

1. A person who participates in the activities of a criminal association shall be punished by a custodial sentence for a term of three up to fifteen years.
2. A person who participates in the activities of a criminal association armed with firearms, explosives or explosive materials shall be punished by a custodial sentence for a term of six up to twenty years or by a life custodial sentence.
3. A person who organises the criminal associations provided for in paragraph 1 or 2 of this Article or is the leader thereof shall be punished by a custodial sentence for a period of ten up to twenty years or by a life custodial sentence.
4. A legal entity shall also be held liable for the acts provided for in this Article.

**Article 249<sup>1</sup>. Establishment and Activities of Groups Having the Aim of Committing Terrorist Crimes**

1. A person who establishes an organised group having the aim of committing terrorist crimes or is the leader thereof or participates in the activities of this group shall be punished by a custodial sentence for a term of up to eight years.
2. A person who participates in the activities of a terrorist group having the aim of committing terrorist crimes shall be punished by a custodial sentence for a term of five up to fifteen years.
3. A person who participates in the activities of a terrorist group armed with firearms, explosives, explosive, radioactive, biological or chemical harmful substances, preparations or micro-organisms shall be punished by a custodial sentence for a period of ten up to twenty years or by a life custodial sentence.
4. A person who organises a terrorist group provided for in paragraph 2 or 3 of this Article or is the leader thereof shall be punished by a custodial sentence for a term of twelve up to twenty years or by a life custodial sentence.
5. A legal entity shall also be held liable for the acts provided for in this Article.

**Article 250. Act of Terrorism**

1. A person who, for terrorist purposes, produces, acquires, keeps, transports, transfers or otherwise has at his disposal a firearm, ammunition, explosives, explosive, nuclear or radioactive materials and other sources of ionizing radiation, also a person who, for terrorist purposes, develops, produces, acquires, keeps, transports, transfers or otherwise has at his disposal chemical or biological weapons or chemical substances or their precursors, micro-organisms and other biological substances or toxins used for the production of chemical or biological weapons shall be punished by a custodial sentence for a term of up to eight years.
2. A person who, for terrorist purposes, causes a flood or disruption of supply of water, energy or other resources, or causes an explosion of, sets on fire or otherwise destroys or causes damage to property on a large scale, or breach security of an information system or electronic data of considerable importance for state governance, the economy or the financial system, or spreads radioactive, biological or chemical hazardous substances, preparations or micro-organisms, where this causes or could have caused

serious consequences, as well as a person who, for terrorist purposes, causes a minor impairment to the health of one or more persons or poses a threat to the life or health of a large number of people

shall be punished by a custodial sentence for a term of up to ten years.

3. A person who, for terrorist purposes, causes a serious impairment to the health of one or more persons

shall be punished by a custodial sentence for a term of three up to fifteen years.

4. A person who kills one or more persons for terrorist purposes

shall be punished by a custodial sentence for a term of eight up to twenty years or by a life custodial sentence.

5. A person who commits an act provided for in paragraph 2, 3 or 4 of this Article, where it is directed against an object of strategic importance for national security or causes grave consequences,

shall be punished by a custodial sentence for a period of ten up to twenty years or by a life custodial sentence.

6. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 250<sup>1</sup>. Incitement to Terrorism**

1. A person who publicly solicits or instigates to commit terrorist crimes or expresses contempt for victims of such crimes

shall be punished by arrest or by a custodial sentence for a term of up to four years.

2. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 250<sup>2</sup>. Recruitment for Terrorism**

1. A person who recruits another person to commit a terrorist crime or participate in the commission of the terrorist crime or participate in the activities of a group seeking to commit terrorist crimes

shall be punished by a custodial sentence for a term of up to seven years.

2. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 250<sup>3</sup>. Threatening to Commit a Terrorist Crime**

1. A person who threatens to commit a terrorist crime, where there is a sufficient basis for believing that the threat may be fulfilled,

shall be punished by a custodial sentence for a term of up to five years.

2. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 250<sup>4</sup>. Financing and Support of Terrorist Activities**

1. A person who directly or indirectly raises, accumulates or provides funds or other assets or provides other material support to another person, with knowledge or with intent that the assets, support or part thereof would be used to prepare or commit a terrorist crime or a terrorist-related crime or to support one or more terrorists or a group seeking to commit terrorist crimes or the persons or groups recruiting, preparing terrorists or otherwise participating in terrorist activities

shall be punished by a custodial sentence for a term of up to ten years.

2. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 250<sup>5</sup>. Terrorist Training and Learning for Terrorist Purposes**

1. A person who provides another person with the special knowledge or skills necessary to prepare, commit a terrorist crime or participate in the commission of a terrorist crime, while being aware that the person intends to use the knowledge or skills thus provided for terrorist purposes, as well as a person who, with the aim of using the

acquired knowledge or skills for terrorist purposes, systematically collects special knowledge or acquires special skills necessary to prepare, commit the terrorist crime or to participate in the commission of the terrorist crime

shall be punished by a custodial sentence for a term of up to seven years.

2. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 250<sup>6</sup>. Travel for terrorist purposes**

1. A person who enters the Republic of Lithuania or travels to another state for the purpose of preparing or committing a terrorist crime or participating in the commission of a terrorist crime or participating in the activities of a group having the aim of committing terrorist crimes or training terrorists or studying for terrorist purposes

shall be punished by a custodial sentence for a term of up to five years.

2. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 251. Hijacking an Aircraft, Vessel or Another Public or Freight Vehicle or Fixed Platform on the Continental Shelf**

1. A person who hijacks an aircraft, vessel or fixed platform on the continental shelf

shall be punished by arrest or by a custodial sentence for a term of up to five years.

2. A person who hijacks an aircraft, ship or fixed platform on the continental shelf by using physical violence or threatening the use of violence

shall be punished by a custodial sentence for a term of three up to eight years.

3. A person who hijacks an aircraft, vessel or another public or freight vehicle or fixed platform on a continental shelf by using a firearm, explosive or another means posing a threat to the life or health of the crew or passengers of the aircraft, vessel or another public or freight vehicle or the persons present on the fixed platform on the continental shelf

shall be punished by a custodial sentence for a term of five up to ten years.

4. A person who commits an act provided for in paragraph 1, 2 or 3 of this Article for terrorist purposes

shall be punished by a custodial sentence for a term of five up to fifteen years.

5. A person who commits an act provided for paragraph 1, 2, 3 or 4 of this Article, where this results in an accident, breakdown or causes other grave consequences,

shall be punished by a custodial sentence for a period of ten up to twenty years or by a life custodial sentence.

6. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 251<sup>1</sup>. Piracy**

1. A crew member or a passenger of a civilian vessel or aircraft who, seeking material or another personal gain, at sea or in another territory excluded from the jurisdiction of any state unlawfully detains another vessel or aircraft, a person, a group of persons or property other than his own on board the vessel or aircraft or uses against the person or group of persons other physical or mental coercion

shall be punished by a custodial sentence for a term of four up to eight years.

2. A crew member of a vessel of war, a state vessel or aircraft who causes a mutiny resulting in the takeover of control of the vessel or aircraft or participates in the mutiny and commits an act provided for in paragraph 1 of this Article or a person who commits the act provided for in paragraph 1 of this Article using a firearm, explosive or another tool or means posing a threat to human life or health

shall be punished by a custodial sentence for a term of six up to ten years.

3. A person who commits the acts indicated in paragraph 1 or 2 of this Article, where this causes grave consequences,  
shall be punished by a custodial sentence for a period of ten up to twenty years or by a life custodial sentence.

4. A person who uses a vessel or aircraft while being aware that it has been used for the commission of the acts referred to in paragraph 1, 2 or 3 of this Article, and the vessel or aircraft is controlled by the persons who have committed these acts  
shall be punished by a fine or by arrest or by a custodial sentence for a term of up to five years.

5. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 252. Hostage Taking**

1. A person who kidnaps or holds hostage a person and demands that an international public organisation, the State or an institution thereof perform or abstain from performing an action, also a person who threatens the immediate killing or causing bodily harm to the person held hostage unless he is provided conditions to avoid detention,  
shall be punished by a custodial sentence for a term of three up to ten years.

2. A person who commits the act provided for in paragraph 1 of this Article, where he kidnaps or holds hostage two or more persons,  
shall be punished by a custodial sentence for a term of five up to fifteen years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 252<sup>1</sup>. Interpretation of Concepts**

1. A crime referred to in Article 250 of this Code and the crimes referred to in Articles 251 and 252 of this Code, if committed for terrorist purposes, shall be deemed terrorist crimes.

2. Crimes related to terrorist activities shall be the crimes referred to in Articles 249<sup>1</sup>, 250<sup>1</sup>, 250<sup>2</sup>, 250<sup>3</sup>, 250<sup>4</sup> and 250<sup>6</sup> of this Code, also the crimes referred to in Articles 178, 180, 181 and 300 of this Code, where they are committed with the aim of obtaining funds, tools or means for the commission of terrorist crimes or supporting the activities of a group whose purpose is to commit the terrorist crimes.

3. Terrorist purposes shall be an intention to intimidate the public or a part thereof or unduly compel an international public organisation, the State or an institution thereof to perform or abstain from performing an action, or destabilise or destroy the fundamental constitutional, political, economic or social structures of the State or the international public organisation.

### **CHAPTER XXXVI**

#### **CRIMES AND MISDEMEANOURS RELATING TO POSSESSION OF WEAPONS, AMMUNITION, EXPLOSIVES, EXPLOSIVE OR RADIOACTIVE MATERIALS OR MILITARY EQUIPMENT**

#### **Article 253. Unlawful Possession of Firearms, Ammunition, Explosives or Explosive Materials**

1. A person who, without an authorisation, acquires, stores, carries, transports or handles a firearm, ammunition, explosives or explosive materials  
shall be punished by arrest or by a custodial sentence for a term of up to five years.

2. A person who, without an authorisation, produces, acquires, stores, carries, transports or handles at least three firearms, the ammunition, explosives or explosive materials of a large explosive power or in a large quantity

shall be punished by a custodial sentence for a term of four up to eight years.

**Article 253<sup>1</sup>. Unlawful Intermediation in the Transfer of Military Equipment**

1. A person who, without an authorisation, acts as an intermediary in transferring military equipment to a state non-Member State of the European Union

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to three years.

2. A legal entity shall also be held liable for an act provided for in this Article.

**Article 254. Seizure of a Firearm, Ammunition, Explosives or Explosive Materials**

1. A person who seizes a firearm, ammunition, explosives or explosive materials shall be punished by arrest or by a custodial sentence for a term of up to seven years.

2. A person who, by using physical or mental violence, seizes a firearm, ammunition, explosives or explosive materials or, in any manner, seizes more than two firearms, the ammunition, explosives or explosive materials of a large explosive power or in a large quantity

shall be punished by a custodial sentence for a term of six up to ten years.

**Article 255. Infringement of Regulations Governing the Storage of a Firearm, Ammunition, Explosives or Explosive Materials**

1. A person who infringes regulations governing the storage of a lawfully held firearm, ammunition, explosives or explosive materials and thereby provides conditions for another person to make unlawful use thereof shall be considered to have committed a misdemeanour and

shall be punished by a fine or by restriction of liberty or by arrest.

2. A person shall be held liable under this Article only where the acts provided for are committed through negligence.

3. A legal entity shall also be held liable for the acts provided for in this Article.

**Article 256. Unlawful Possession of Nuclear or Radioactive Materials or Other Sources of Ionising Radiation**

1. A person who seizes or otherwise unlawfully acquires, produces, imports, exports, transports, stores, keeps, processes, uses, disarranges, disposes or otherwise unlawfully manages the nuclear or radioactive materials or other sources of ionising radiation of any form and in any physical condition

shall be punished by arrest or by a custodial sentence for a term of up to four years.

2. A person who commits the acts indicated in paragraph 1 of this Article, where this causes serious consequences,

shall be punished by a custodial sentence for a term of two up to ten years.

3. The acts provided for in paragraphs 1 and 2 of this Article shall be criminal also where they are committed through negligence.

4. A legal entity shall also be held liable for the acts provided for in this Article.

**Article 256<sup>1</sup>. Threat to Use or Otherwise Influence or Unlawfully Acquire Nuclear or Radioactive Materials or Other Sources of Ionising Radiation**

1. A person who threatens to use or otherwise influence the nuclear or radioactive materials or other sources of ionising radiation of any form and in any physical condition

so that they pose a threat to human life, health or the environment or threatens to seize or otherwise unlawfully acquire these sources

shall be punished by arrest or by a custodial sentence for a term of up to four years.

2. A legal entity shall also be held liable for an act provided for in this Article.

**Article 257. Infringement of Regulations Governing Lawful Possession of Nuclear or Radioactive Materials or Other Sources of Ionising Radiation**

1. A person who infringes regulations governing the storage, use and transportation of the nuclear or radioactive materials or other sources of ionising radiation of any form and in any physical condition, where this could have caused serious consequences,

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to three years.

2. A legal entity shall also be held liable for an act provided for in this Article.

3. The act provided for in this Article shall be considered as criminal also where it has been committed through negligence.

**Article 257<sup>1</sup>. Production of Installations for the Production of Explosive Materials, Explosives or Radioactive Materials or Development or Distribution of Production Technologies or Specifications Thereof**

1. A person who unlawfully produces, stores, transports, transfers or handles machinery or other installations directly intended or adapted for the production of explosive materials, explosives or radioactive materials or unlawfully develops or distributes technologies or specifications of the production of explosive materials, explosives or radioactive materials

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to four years.

2. A legal entity shall also be held liable for the acts provided for in this Article.

**Article 258. Unlawful Possession of a Non-Firearm**

1. A person who unlawfully produces for the purpose of handling or handles a non-firearm or another device adapted for causing bodily harm to people

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to one year.

2. A person who unlawfully acquires or carries a non-firearm or another device adapted for causing bodily harm to people shall be considered to have committed a misdemeanour and

shall be punished by a fine or by arrest.

**CHAPTER XXXVII**

**CRIMES AND MISDEMEANOURS RELATING TO POSSESSION OF NARCOTIC OR PSYCHOTROPIC, TOXIC OR HIGHLY ACTIVE SUBSTANCES**

**Article 259. Unlawful Possession of Narcotic or Psychotropic Substances for the Purpose Other than Distribution**

1. A person who unlawfully produces, processes, acquires, stores, transports or forwards narcotic or psychotropic substances for the purpose other than selling or otherwise distributing them

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to two years.

2. A person who unlawfully produces, processes, acquires, stores, transports or forwards a small quantity of narcotic or psychotropic substances for the purpose other than

selling or otherwise distributing them shall be considered to have committed a misdemeanour and

shall be punished by community service or by restriction of liberty or by a fine or by arrest.

3. A person who voluntarily applies to a health care establishment for medical aid or addresses a state institution in order to submit the narcotic or psychotropic substances which have been unlawfully produced, acquired, stored for the purpose other than distribution shall be released from criminal liability for the production, acquisition and storage of the consumed or submitted narcotic or psychotropic substances.

**Article 260. Unlawful Possession of Narcotic or Psychotropic Substances for the Purpose of Distribution Thereof or Unlawful Possession of a Large Quantity of Narcotic or Psychotropic Substances**

1. A person who unlawfully produces, processes, acquires, stores, transports or forwards narcotic or psychotropic substances for the purpose of selling or otherwise distributing them or sells or otherwise distributes narcotic or psychotropic substances shall be punished by a custodial sentence for a term of two up to eight years.

2. A person who unlawfully produces, processes, acquires, stores, transports or forwards a large quantity of narcotic or psychotropic substances for the purpose of selling or otherwise distributing them or sells or otherwise distributes a large quantity of narcotic or psychotropic substances

shall be punished by a custodial sentence for a term of eight up to ten years.

3. A person who unlawfully produces, processes, acquires, stores, transports, forwards, sells or otherwise distributes a very large quantity of narcotic or psychotropic substances

shall be punished by a custodial sentence for a term of ten up to fifteen years.

4. A legal entity shall also be held liable for the acts provided for in this Article.

**Article 261. Distribution of Narcotic or Psychotropic Substances among Minors**

A person who distributes narcotic or psychotropic substances among minors shall be punished by a custodial sentence for a term of three up to twelve years.

**Article 262. Production of Installations for the Production of Narcotic or Psychotropic Substances or Development of Technologies or Specifications for the Production of Narcotic or Psychotropic Substances**

A person who unlawfully produces, stores, transports or handles machinery or other installations for the production of narcotic or psychotropic substances or unlawfully develops or distributes technologies or specifications for the production of narcotic or psychotropic substances

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to four years.

**Article 263. Theft, Extortion of Narcotic or Psychotropic Substances or Other Unlawful Taking Possession**

1. A person who steals, takes possession of by deceit (fraud) or misappropriates the narcotic or psychotropic substances entrusted to him or held at his disposal

shall be punished by arrest or by a custodial sentence for a term of up to five years.

2. A person who extorts or seizes narcotic or psychotropic substances through the use of physical or mental violence

shall be punished by a custodial sentence for a term of three up to ten years.

3. A person who, by carrying out the actions indicated in paragraph 1 or 2 of this Article, takes possession of a large quantity of narcotic or psychotropic substances or takes possession of narcotic or psychotropic substances by participating in an organised group shall be punished by a custodial sentence for a term of five up to fifteen years.

#### **Article 264. Inducing the Use of Narcotic or Psychotropic Substances**

1. A person who assists a person in the acquisition of, forces, induces or otherwise habituates a person to the use of narcotic or psychotropic substances for purposes other than medical treatment

shall be punished by arrest or by a custodial sentence for a term of up to five years.

2. A person who assists a minor in the acquisition of, forces, induces or otherwise habituates him to the use of narcotic or psychotropic substances for purposes other than medical treatment

shall be punished by a custodial sentence for a term of three up to ten years.

#### **Article 265. Illegal Cultivation of Poppies or Hemp**

1. A person who, in violation of the established procedure, grows a large quantity of poppies, hemp or other plants listed as narcotic or psychotropic substances

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to five years.

2. A legal entity shall also be held liable for an act provided for in this Article.

#### **Article 266. Unlawful Possession of Category I Precursors of Narcotic or Psychotropic Substances**

1. A person who unlawfully produces, acquires, stores, transports, forwards or sells or otherwise handles Category I precursors of narcotic or psychotropic substances

shall be punished by a fine or by a custodial sentence for a term of up to three years.

2. A person who unlawfully produces, acquires, stores, transports, forwards or sells or otherwise handles a large quantity of Category I precursors of narcotic or psychotropic substances

shall be punished by a custodial sentence for a term of three up to six years.

3. A person who unlawfully produces, acquires, stores, transports, forwards or sells or otherwise handles a very large quantity of Category I precursors of narcotic or psychotropic substances

shall be punished by a custodial sentence for a term of six up to ten years.

4. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 267. Unlawful Possession of Highly Active or Toxic Substances**

1. A person who unlawfully produces, acquires, stores, transports, handles highly active or toxic substances

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to three years.

2. A person who unlawfully produces, acquires, stores, transports or handles toxic chemical substances used as chemical weapons, chemical substances or precursors thereof for the production of chemical weapons or for other purposes prohibited by the Law on the Prohibition of Chemical Weapons

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to five years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

**Article 267<sup>1</sup>. Creation or Unlawful Possession of Biological Weapons**

1. A person who unlawfully creates, produces, acquires, stores, transports, sells or otherwise conveys biological weapons or the micro organisms or other biological substances or toxins used for production thereof

shall be punished by a fine or a custodial sentence for a term of up to seven years.

2. A legal entity shall also be held liable for the acts provided for in this Article.

**Article 268. Infringement of Regulations Governing Lawful Possession of Psychotropic, Highly Active or Toxic Substances**

1. A person who violates the regulations governing the production, storage, accounting, issuance, transportation or forwarding of narcotic, psychotropic, highly active or toxic substances, where this results in the seizure of these substances or their becoming an object of illegal trade otherwise,

shall be punished by community service or by a fine or by arrest or by a custodial sentence for a term of up to two years.

2. A legal entity shall also be held liable for the acts provided for in this Article.

3. A person shall be held liable under this Article only where the acts provided for are committed through negligence.

**Article 269. Interpretation of Concepts**

1. The narcotic and psychotropic substances indicated in this Chapter shall be the substances entered in the lists of narcotic and psychotropic substances approved by the Ministry of Health of the Republic of Lithuania.

2. The quantity of narcotic or psychotropic substances to be considered as small, large and very large shall be determined on the basis of the recommendations approved by the Ministry of Health of the Republic of Lithuania.

3. The quantity of Category I of precursors of narcotic and psychotropic substances to be regarded as large and very large shall be determined in compliance with recommendations approved by a body authorised by the Government of the Republic of Lithuania and responsible for licensing of activities related to Category I precursors of narcotic and psychotropic substances.

**CHAPTER XXXVIII  
CRIMES AND MISDEMEANOURS  
AGAINST THE ENVIRONMENT AND HUMAN HEALTH**

**Article 270. Infringement of Regulations Governing the Protection of the Environment or Use of Natural Resources or the Maintenance or Operation of Structures wherein Hazardous Substances are Used or Stored or wherein Potentially Hazardous Installations are Kept or Potentially Dangerous Works are Performed**

1. A person who infringes regulations, as stipulated by legal acts, for the protection of the environment or use of natural resources or the maintenance or operation of structures wherein hazardous substances are used or stored or wherein potentially hazardous installations are kept or potentially dangerous works are performed, where this poses a hazard to human life or health or could incur major damage to air, soil, water, fauna or flora or causes other serious consequences for the environment,

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to three years.

2. A person who commits the act referred to in paragraph 1 of this Article or systematically infringes regulations, as stipulated by legal acts, for the protection of the environment or use of natural resources or the maintenance or operation of structures

wherein hazardous substances are used or stored or wherein potentially hazardous installations are kept or potentially dangerous works are performed, where this incurs major damage to air, soil, water, fauna or flora or causes other serious consequences for the environment,

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to six years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

4. The acts provided for in paragraph 1 of this Article shall be criminal also where they are committed through negligence.

#### **Article 270<sup>1</sup>. Unlawful Possession of Ozone-Depleting Substances and Mixtures Thereof**

1. A person who unlawfully produces, imports, exports, uses or places on the market ozone-depleting substances or mixtures thereof

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two year.

2. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 270<sup>2</sup>. Unlawful Transportation of Waste across the State Border**

1. A person who, without an authorisation or by otherwise violating provisions of legal acts, transports across the state border of the Republic of Lithuania fifty or more tons of non-hazardous waste intended for handling or disposal

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to one year.

2. A person who, without an authorisation or by otherwise violating provisions of legal acts, transports across the state border of the Republic of Lithuania fifty or more tons of hazardous waste intended for handling or disposal

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to three years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 270<sup>3</sup>. Marine Pollution from Ships**

1. A person who, in violation of the regulations contained in Annexes I and II of the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78), discharges polluting substances from ships in the high seas or any other area beyond the jurisdiction of any state, the exclusive economic zone of the Republic of Lithuania and other European Union Member States, the territorial sea, the straits used for international navigation, to the extent that these Member States exercise jurisdiction over such straits, and the internal waters, including ports, where it results in deterioration in the quality of water,

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to three years.

2. The act provided for in paragraph 1 of this Article shall be criminal also where it is committed through negligence.

3. A legal entity shall also be held liable for an act provided for in this Article.

#### **Article 271. Destruction or Devastation of Protected Areas or Objects of Natural Heritage**

1. A person who destroys or devastates a state park, strict reserve, reserve or another natural area protected by the State, a protected natural or species habitat located

therein or a territorial complex of natural heritage for the protection whereof this area has been established, or an object of natural heritage

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to five years.

2. The acts provided for in paragraph 1 of this Article shall be criminal also where they are committed through negligence.

3. A legal entity shall also be held liable for the acts provided for in this Article.

### **Article 271<sup>1</sup>. Infringement of Provisions of Legal Acts Regulating Construction**

1. A person who engages in unauthorised construction or otherwise infringes the provisions of legal acts regulating construction, where this results in an accident related to a construction works and a person's death or a severe impairment to the person's health, or incurs extensive damage to the environment or massive property damage to a person,

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to six years.

2. A legal entity shall also be held liable for the acts provided for in this Article.

### **Article 272. Unlawful Hunting or Fishing or Other Use of Wild Fauna Resources**

1. A person who undertakes hunting or fishing during a prohibited period, in prohibited places or in a prohibited manner, by prohibited tools, means or otherwise unlawfully uses or destroys wild fauna resources and causes major damage to the fauna, also a person who undertakes fishing using electric or ultrasonic fishing gear

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.

2. A person who unlawfully destroys, injures or takes from the natural environment the wild fauna of strictly protected species, acquires, stores, transports, handles or uses for commercial purposes the wild fauna of strictly protected species, parts thereof or the products made thereof, where this act does not cause major damage to the species conservation status of the wild fauna of strictly protected species and such act is associated with a small amount of the wild fauna of strictly protected species,

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to three years.

3. A person who unlawfully destroys, injures, takes from the natural environment, catches or otherwise acquires, stores, processes, transports, handles or otherwise uses a large amount of the wild fauna of protected species, parts thereof or the products made thereof or causes by this act major damage to the species conservation status of the wild fauna of protected species or commits this act for commercial purposes

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to four years.

4. A person who unlawfully produces, acquires, stores, transports or handles electric or ultrasonic fishing devices shall be considered to have committed a misdemeanour and

shall be punished by a fine or by restriction of liberty or by arrest.

5. A legal entity shall also be held liable for the acts provided for in this Article.

6. The acts provided for in paragraphs 1, 2 and 3 of this Article shall be considered as criminal also where they have been committed through negligence.

### **Article 273. Unauthorised Forest Logging or Destruction of Marshes**

1. A person who, without an authorisation, fells, destroys or damages a wooded land area of over 500 solid cubic metres of trees or drains a marsh shall be punished by community service or by a fine or by arrest or by a custodial sentence for a term of up to two years.

2. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 274. Unlawful Picking, Destruction, Handling or Other Possession of Protected Wild Flora, Fungi or Parts Thereof**

1. A person who unlawfully destroys, injures, takes from the natural environment or otherwise picks or acquires, stores, processes, transports, handles or otherwise uses a large amount of the wild flora, fungi of protected species, parts thereof or the products made thereof or causes by this act major damage to the species conservation status of the wild flora or fungi of protected species or commits this act for commercial purposes

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to three years.

2. A person who unlawfully destroys, injures, takes from the natural environment or otherwise picks the wild flora, fungi of strictly protected species, acquires, stores, transports, handles or uses for commercial purposes the wild flora, fungi of strictly protected species, parts thereof or the products made thereof, where this act does not cause major damage to the species conservation status of the wild flora or fungi of strictly protected species and such an act is associated with a small amount of the wild flora or fungi of strictly protected species, shall be considered to have committed a misdemeanour and

shall be punished by community service or by a fine.

3. A legal entity shall also be held liable for the acts provided for in this Article.

4. The acts provided for in paragraphs 1 and 2 of this Article shall be criminal also where they are committed through negligence.

#### **Article 275. Unauthorised Pharmaceutical Activities**

1. A person who, without an authorisation, manufactures medicines or medicinal substances for the purpose of handling them, where the use thereof could have posed a threat to human health or life, also a person who handles these pharmaceutical products

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to two years.

2. A person who, without an authorisation, manufactures medicines or medicinal substances for the purpose of handling them, also a person who handles these pharmaceutical products, where the use thereof results in a person's death or a serious impairment to a person's health

shall be punished by a custodial sentence for a term of up to eight years.

3. The acts provided for in paragraph 1 of this Article shall be criminal also where they are committed through negligence.

4. A person shall be held liable under paragraph 2 of this Article only where the acts provided for are committed through negligence.

5. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 276. Production of or Trading in the Products Harmful to Human Health or Life**

1. A person who produces, for the purpose of handling, food products of a substance evidently inappropriate for and harmful to human health or life or containing harmful additives, also a person who sells or otherwise handles such products

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.

2. A person who produced, for the purpose of handling, food products of a substance evidently inappropriate for and harmful to human health or life or containing harmful additives, also a person who sells or otherwise handles such products, where consumption thereof results in a person's death or a serious impairment to a person's health,

shall be punished by a custodial sentence for a term of up to eight years.

3. The act provided for in paragraph 1 of this Article shall be criminal also where it is committed through negligence.

4. A person shall be held liable under paragraph 2 of this Article only where the acts provided for are committed through negligence.

5. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 276<sup>1</sup>. Unlawful Possession of the Substances Indicated in the Law of the Republic of Lithuania on Control of Certain Doping Substances for the Purpose of Distribution Thereof**

1. A person who unlawfully produces, processes, acquires, stores, transports or forwards the substances indicated in the Law of the Republic of Lithuania on Control of Certain Doping Substances for the purpose of selling or otherwise distributing them or who sells or otherwise distributes them

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to four years.

2. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 276<sup>2</sup>. Distribution among Minors of the Substances Indicated in the Law of the Republic of Lithuania on Control of Certain Doping Substances**

A person who distributes among minors, for purposes other than medical treatment, the substances indicated in the Law of the Republic of Lithuania on Control of Certain Doping Substances

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to three years.

#### **Article 276<sup>3</sup>. Inducing the Use of the Substances Indicated in the Law of the Republic of Lithuania on Control of Certain Doping Substances**

A person who assists a person in the acquisition of, forces, induces or otherwise habituates a person to the use, for purposes other than medical treatment, of the substances indicated in the Law of the Republic of Lithuania on Control of Certain Doping Substances

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to two years.

#### **Article 277. Violation of the Regulations Governing Control of Epidemics or Contagious Diseases**

1. A person who violates requirements of the legal acts regulating health care or the regulations of control of contagious disease prevention, where this results in the spread of a disease or causes an epidemic,

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to three years.

2. A person who, having been informed by a medical establishment about his illness and warned of the protective measures which he must observe while

communicating with people, exposes another person to the danger of becoming infected with a dangerous infectious disease shall be considered to have committed a misdemeanour and

shall be punished by community service or by a fine or by restriction of liberty or by arrest.

3. A person shall be held liable under this Article only where the acts provided for are committed through negligence.

4. A legal entity shall also be held liable for an act provided for in paragraph 1 of this Article.

#### **Article 277<sup>1</sup>. Interpretation of Concepts**

The wild fauna, flora and fungi of strictly protected species shall be as follows:

1) the wild fauna, flora and fungi of protected species listed among the fauna, flora and fungi species protected by the Republic of Lithuania and attributed to the categories of 0(Ex), 1(E) and 2(V);

2) the wild fauna and flora of the species listed in Annexes A and B of Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein;

3) the wild fauna and flora of the protected species listed in Annex IV of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora;

4) the wild birds referred to in Annex I of Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds and in Article 4(2) of this Directive.

### **CHAPTER XXXIX CRIMES AND MISDEMEANOURS AGAINST TRAFFIC SAFETY**

#### **Article 278. Improper Maintenance or Repair of Vehicles or Roads and the Facilities Located Thereon**

1. A person who inappropriately performs the maintenance or repairs of railway vehicles, water- or air-borne vehicles or roads, the alarm or communications facilities located on the roads, a gas pipeline, oil pipeline, power or communications lines, where this causes serious bodily harm to a person or incurs major property damage,

shall be punished by arrest or by a custodial sentence for a term of up to five years.

2. A person who commits the act provided for in paragraph 1 of this Article, where this results in a person's death or causes serious bodily harm to persons or incurs massive property damage,

shall be punished by a custodial sentence for a term of three up to eight years.

3. A person who commits the act provided for in paragraph 1 of this Article, where this does not result in serious consequences, but there exists a real risk thereof, shall be considered to have committed a misdemeanour and

shall be punished by community service or by a fine or by restriction of liberty or by arrest.

4. A person shall be held liable under paragraphs 1 and 2 of this Article only where the acts provided for are committed through negligence.

5. The act provided for in paragraph 3 of this Article shall be criminal also where it is committed through negligence.

#### **Article 279. Violation of International Flight Regulations**

A member of the crew of an aircraft or another facility designed for flying who violates the international flight regulations by flying into the Republic of Lithuania or flying out of the Republic of Lithuania

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to two years.

#### **Article 280. Damage to Vehicles or Roads and the Facilities Located Thereon**

1. A person who dismantles or damages a vehicle or a road, a gas pipeline, oil pipeline, power or communications line, a facility, communications or alarm equipment located therein, where this was likely to result in serious consequences,

shall be punished by arrest or by a custodial sentence for a term of up to three years.

2. A person who carries out the actions indicated in paragraph 1 of this Article, where this results in a person's death or causes a serious bodily harm to a person or incurs major property damage,

shall be punished by a custodial sentence for a term of up to ten years.

3. The acts provided for in paragraph 1 of this Article shall be criminal also where they are committed through negligence.

4. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 281. Violation of Regulations Governing Road Traffic Safety or Operation of Vehicles**

1. A person who, while driving a road vehicle, violates regulations governing road traffic safety or operation of vehicles, where this results in an accident causing a non-severe impairment to another person's health,

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to two years.

2. A person who drives a road vehicle under the influence of alcohol, narcotic, psychotropic or other psychoactive substances and violates regulations governing road traffic safety or operation of vehicles, where this results in an accident causing a non-severe impairment to another person's health or the victim suffers major property damage,

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to three years.

3. A person who, while driving a road vehicle, violates regulations governing road traffic safety or operation of vehicles, where this results in an accident causing a severe impairment to another person's health,

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to five years.

4. A person who commits the act indicated in paragraph 3 of this Article under the influence of alcohol, narcotic, psychotropic or other psychoactive substances shall be punished by a custodial sentence for a term of up to six years.

5. A person who, while driving a road vehicle, violates regulations governing road traffic safety or operation of vehicles, where this results in an accident causing a person's death,

shall be punished by a custodial sentence for a term of up to eight years.

6. A person who commits the act indicated in paragraph 5 of this Article under the influence of alcohol, narcotic, psychotropic or other psychoactive substances shall be punished by a custodial sentence for a term of three up to ten years.

7. A person who drives a road vehicle or teaches practical driving under the influence of alcohol, where the his blood alcohol level exceeds 1.5 promille,

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to one year.

8. A person shall be held liable under paragraphs 1-6 of this Article only where the acts provided for are committed through negligence.

9. It shall be considered that the person who has committed the act referred to in paragraph 2, 4 or 6 of this Article is under the influence of alcohol when his blood alcohol level is equal to or exceeds 0.41 promille or when he seeks to avoid a sobriety test or consumes alcohol after an accident until the establishment of the circumstances thereof.

10. The road vehicles indicated in this Article shall be automobiles of all types, tractors, other self-propelled vehicles, trolleybuses, motorbikes and other mechanical vehicles.

#### **Article 282. Violation of the Regulations Governing Traffic Order or Safety**

1. A person who, while not driving a vehicle, violates the regulations governing traffic order or safety, where this results in a person's death or a severe impairment to a person's health,

shall be punished by arrest or by a custodial sentence for a term of up to five years.

2. A person shall be held liable under this Article only where the acts provided for are committed through negligence.

### **CHAPTER XL**

#### **CRIMES AND MISDEMEANOURS AGAINST PUBLIC ORDER**

##### **Article 283. Riots**

1. A person who organises or provokes a group of people to engage in public violence, destruction of property or other grave violations of public order, also a person who, during the riots, uses violence, destroys property or otherwise gravely violates public order

shall be punished by arrest or by a custodial sentence for a term of up to five years.

2. A person who, when carrying out the actions provided for in paragraph 1 of this article, uses a firearm or explosives or resists a police officer or another person performing the functions of public administration

shall be punished by a custodial sentence for a term of up to six years.

##### **Article 284. Violation of Public Order**

A person who, by defiant conduct, threats, vicious taunting or acts of vandalism, demonstrates disrespect to the surrounding people or the environment in a public place and thereby disrupts public peace or order

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two year.

##### **Article 285. False Report about a Danger Threatening the Community or Occurred Disaster**

1. A person who falsely reports or spreads the news about a danger threatening the community or a facility of national importance conforming to the characteristics specified in the Law on Civil Protection or about a major disaster, where this results in the summoning of emergency services,

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to one year.

2. A person who falsely reports or spreads the news about a danger threatening the community or a facility of national importance conforming to the characteristics specified

in the Law on Civil Protection or about a major disaster, where this causes public confusion or disturbs the functioning of the facility of national importance,  
shall be punished by a fine or by restriction of liberty or by a custodial sentence for a term of up to two years.

3. A person who falsely reports or spreads the news about a danger threatening the community or a facility of national importance conforming to the characteristics specified in the Law on Civil Protection or about a major disaster, where this incurs major property damage,

shall be punished by a fine or by a custodial sentence for a term of up to three years.

## **CHAPTER XLI CRIMES AND MISDEMEANOURS AGAINST THE ACTIVITIES OF A CIVIL SERVANT OR A PERSON PERFORMING THE FUNCTIONS OF PUBLIC ADMINISTRATION**

### **Article 286. Resistance against a Civil Servant or a Person Performing the Functions of Public Administration**

A person who, through the use of physical violence or threatening the immediate use thereof, resists a civil servant or another person performing the functions of public administration

shall be punished by community service or by a fine or by a custodial service for a term of up to three years.

### **Article 287. Threatening a Civil Servant or a Person Performing the Functions of Public Administration**

1. A person who, by using mental coercion, demands that a civil servant or a person performing the functions of public administration carry out actions or refrain therefrom for the benefit of the offender or other persons

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to two years.

2. A person who commits the act provided for in paragraph 1 of this Article through the use of physical violence

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to five years.

### **Article 288. Interference with the Activities of a Civil Servant or a Person Performing the Functions of Public Administration**

A civil servant, public figure, representative of a political or public organisation who, by taking advantage of his influence, interferes with the activities of a civil servant or a person performing the functions of public administration seeking to force him to refrain from lawful actions or carry out unlawful actions for own benefit or for the benefit of other persons

shall be punished by community service or by a fine or by arrest or by a custodial sentence for a term of up to two years.

### **Article 289. Adoption of the Name of a Civil Servant or a Person Performing the Functions of Public Administration**

A person who, upon adopting the name of a civil servant or a person performing the functions of public administration, carries out unlawful actions

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to two years.

**Article 290.**

*Repealed as of 1 April 2016.*

**CHAPTER XLII  
CRIMES AND MISDEMEANOURS AGAINST GOVERNMENT ORDER**

**Article 291. Illegal Crossing of the State Border**

1. A person who illegally crosses the state border of the Republic of Lithuania shall be punished by a fine or by arrest or by a custodial sentence for a term of up to two years.

2. An alien who unlawfully enters the Republic of Lithuania seeking to exercise the right of asylum shall be released from criminal liability under paragraph 1 of this Article.

3. An alien who commits the act provided for in paragraph 1 of this Article with the intent of illegally crossing into a third state from the Republic of Lithuania shall be released from criminal liability according to paragraph 1 of this Article where he is, in accordance with the established procedure, subject to deportation back to the state from the territory whereof he illegally crosses the state border of the Republic of Lithuania or to the state whose citizen he is.

**Article 292. Unlawful Transportation of Persons across the State Border**

1. A person who unlawfully transports across the state border of the Republic of Lithuania an alien not having a permanent place of residence in the Republic of Lithuania or transports or conceals in the territory of the Republic of Lithuania such an alien who has illegally crossed the state border of the Republic of Lithuania

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to six years.

2. A person who commits the acts provided for in paragraph 1 of this Article for mercenary reasons or where this poses a threat to human life,

shall be punished by a custodial sentence for a term of up to eight years.

A person who organises the acts provided for in paragraph 1 of this Article shall be punished by a custodial sentence for a term of four up to ten years.

4. A legal entity shall also be held liable for the acts provided for in this Article.

**Article 292<sup>1</sup>. Employment of Third-Country Nationals Illegally Staying in the Republic of Lithuania**

1. The employer or a person authorised by him who, for business purposes, employs third-country nationals illegally staying in the Republic of Lithuania or who employs five or more third-country nationals illegally staying in the Republic of Lithuania or who employs a third-country national illegally staying in the Republic of Lithuania in the cases of particularly exploitative employment conditions or who employs a third-country minor illegally staying in the Republic of Lithuania

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to two years.

2. A legal entity shall also be held liable for the acts provided for in this Article.

**Article 293. Organisation of Travels of Citizens of the Republic of Lithuania Abroad for the Purpose of Staying There Illegally or Abandoning Them without Assistance**

1. A person who organises the travels of citizens or permanent residents of the Republic of Lithuania abroad for the purposes of applying for asylum or undertaking illegal employment or staying abroad illegally for other reasons or by making a false promise of a legal status abroad

shall be punished by arrest or by a custodial sentence for a term of up to seven years.

2. A legal entity shall also be held liable for the acts provided for in this Article.

**Article 294. Self-Willed Conduct**

1. A person who, by disregarding the procedure established by the law, wilfully exercises an existing or alleged right of his own or another person which is disputed or recognised, though not exercised yet, and incurs major damage to the person's rights or legitimate interests

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to three years.

2. A person who acts wilfully by using physical or mental coercion against the victim or a person close thereto

shall be punished by arrest or by a custodial sentence for a term of up to five years.

3. A person shall be held liable for an act provided for in paragraph 1 of this Article only under a complaint filed by the victim or a statement by the legal representative thereof or at the prosecutor's request.

**Article 295. Unlawful Installation of Special Equipment or Use Thereof for the Collection of Information**

A person who unlawfully installs or uses special equipment for the purpose of spying on a person, collecting information about a state or municipal institution, agency or an employee thereof, a political party, public organisation or a member thereof, another legal or natural person

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to four years.

**Article 296. Seizure or Other Unlawful Acquisition of an Official Secret**

A person who seizes, purchases or otherwise unlawfully acquires a material item whose content or information thereon constitutes an official secret or transfers the item or information thus acquired to a third party, in the absence of characteristics of espionage or provision of assistance to a foreign state,

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to two years.

**Article 297. Disclosure of an Official Secret**

1. A person who discloses the information constituting an official secret which was entrusted to him or which he accessed through his service or work, in the absence of characteristics of espionage or assistance to a foreign state in carrying out activities hostile to the Republic of Lithuania, shall be considered to have committed a misdemeanour and

shall be punished by a fine or by restriction of liberty or by arrest.

2. The act provided for in this Article shall be considered as criminal also where it is committed through negligence.

**Article 298. Unlawful Change of a Land Boundary Marking**

A person who unlawfully removes, transfers, remakes or erects a land boundary marking or a geodesic, geological or geophysical mark shall be considered to have committed a misdemeanour and

shall be punished by community service or by a fine or by arrest.

**Article 299. Failure to Render Assistance to Ships in the Event of a Collision at Sea**

A ship's captain who fails to render assistance to ships colliding at sea, where assistance could have been rendered without exposing the ship, the crew and passengers to a serious danger,

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to two years.

**CHAPTER XLIII  
CRIMES AND MISDEMEANOURS AGAINST GOVERNMENT ORDER  
RELATING TO FORGERY OF DOCUMENTS OR MEASURING DEVICES**

**Article 300. Forgery of a Document or Possession of a Forged Document**

1. A person who produces a false document, forges a genuine document or stores, transports, forwards, uses or handles a document known to be false or a genuine document known to be forged

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to three years.

2. A person who produces a false identity card, passport, driving licence or state social insurance certificate or forges a genuine identity card, passport, driving licence or state social insurance certificate or stores, transports, forwards, uses or handles an identity card, passport, driving licence or state social insurance certificate known to be false or a genuine identity card, passport, driving licence or state social insurance certificate known to be forged

shall be punished by arrest or by a custodial sentence for a term of up to four years.

3. A person who commits the acts provided for in paragraph 1 or 2 of this Article, where this incurs major damage, or produces a large quantity of false identity cards, passports, driving licences or state social insurance certificates or forges a large quantity of genuine identity cards, passports, driving licences or state social insurance certificates or stores, transports, forwards, uses or handles a large quantity of identity cards, passports, driving licences or state social insurance certificates known to be false or genuine identity cards, passports, driving licences or state social insurance certificates known to be forged

shall be punished by a custodial sentence for a term of up to six years.

4. A legal entity shall also be held liable for the acts provided for in this Article.

**Article 301. Forgery of a Seal, Stamp or Form**

1. A person who forges a genuine seal, stamp or form or produces a false seal, stamp or special accounting document form of a natural or legal person or uses a seal, stamp or form known to be forged or handles it

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to three years.

2. A person who carries out the actions provided in paragraph 1 of this Article in the form of a business or where these actions interfere with the activities of a natural or legal person or incur major damage to the State or the natural or legal person or who

forges or stores a large quantity of counterfeit or forged seals, stamps or special account document forms

shall be punished by arrest or by a custodial sentence for a term of up to five years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

### **Article 302. Seizure of a Seal, Stamp or Document or Use of the Seized Seal, Stamp or Document**

1. A person who seizes or, without having a legal ground therefor, acquires, stores, transports, forwards, uses or handles a seal, stamp, document or special accounting document form

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to six years.

2. A person who commits the acts provided for in paragraph 1 of this Article in the form of a business or seizes or, without having a legal ground therefor, acquires, stores, transports, forwards, uses or handles a large quantity of seals, stamps or special account document forms of a natural or legal person or where this incurs major damage to the State or the natural or legal person

shall be punished by a custodial sentence for a term of up to six years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

### **Article 302<sup>1</sup>. Production, Storage, Transportation, Forwarding or Handling of Equipment for the Forgery of Seals, Stamps, Documents or Special Accounting Document Forms**

1. A person who produces, stores, transports, forwards or handles the equipment, software or other means directly intended or adapted for the production of counterfeit seals, stamps, documents or special accounting document forms or for the forgery of genuine seals, stamps, documents or special accounting document forms

shall be punished by arrest or by a custodial sentence for a term of up to five years.

2. A person who commits the acts provided for in paragraph 1 of this Article in the form of a business or where this incurs major damage to the State or a natural or legal person,

shall be punished by a custodial sentence for a term of up to six years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

### **Article 303. Destruction, Damaging or Concealment of a Seal, Stamp or Document**

1. A person who destroys, damages or conceals a seal, stamp, document or special accounting document form of a natural or legal person, where this incurs major damage,

shall be punished by community service or by a fine or by arrest or by a custodial sentence for a term of up to two years.

2. A legal entity shall also be held liable for the acts provided for in this Article.

### **Article 304. Provision of False Information for the Purpose of Acquisition of a Document**

1. A person who, for the purpose of obtaining a document or an authentication certificate of a forged document, supplies an authority or an employee thereof with false information shall be considered to have committed a misdemeanour and

shall be punished by community service or by a fine or by arrest.

2. A legal entity shall also be held liable for an act provided for in this Article.

**Article 305. Release and Use of Measuring Devices without Undergoing State Metrological Control or Alteration of Parameters Thereof**

1. A person who releases or uses a measuring device subject to state metrological control without an examination, calibration mark or other recording of the results of control or who alters the parameters of the measuring device after it undergoes state metrological control

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to two years.

2. A legal entity shall also be held liable for an act provided for in this Article.

**Article 306. Seizure, Forgery or Handling of the Stamp of a Lithuanian State Control Mark or of a Control Mark Provided for in a Treaty to which the Republic of Lithuania is Party or Belonging to a Foreign State or the Use of a Counterfeit Stamp**

1. A person who seizes, unlawfully alters, produces, uses or handles the stamp of a Lithuanian state control mark or of a control mark provided for in a treaty to which the Republic of Lithuania is party or belonging to a foreign state

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to two years.

2. A legal entity shall also be held liable for an act provided for in this Article.

**Article 306<sup>1</sup>. Forgery, Unlawful Destruction or Alteration of a Number Plate of a Vehicle**

1. A person who forges, unlawfully destroys or replaces the number plate of a vehicle

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to two years.

2. A legal entity shall also be held liable for an act provided for in this Article.

**Article 306<sup>2</sup>. Odometer Fraud**

1. A person who commits odometer fraud

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to two years.

2. A legal entity shall also be held liable for an act provided for in this Article.

**CHAPTER XLIV  
CRIMES AND MISDEMEANOURS AGAINST MORALITY**

**Article 307. Gaining Profit from Another Person's Prostitution**

1. A person who gains profit from another person's prostitution or from procuration for prostitution

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to four years.

2. A person who organises or controls prostitution or transports a person with his consent for prostitution to the Republic of Lithuania or from the Republic of Lithuania shall be punished by a custodial sentence for a term of up to six years.

3. A person who profits from the prostitution of a minor or organises or controls the prostitution of the minor or otherwise exploits the prostitution of the minor shall be punished by a custodial sentence for a term of three up to ten years.

4. A legal entity shall also be held liable for the acts provided for in this Article.

### **Article 308. Involvement in Prostitution**

1. A person who involves a person in prostitution shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to three years.
2. A person who involves in prostitution a person dependent on him financially, subordinate in office or otherwise or involves a person in prostitution by using physical or mental coercion or by deceit shall be punished by a custodial sentence for a term of two up to seven years.
3. A person who recruits, forces to engage in prostitution or, by any other means, involves in prostitution a minor shall be punished by a custodial sentence for a term of three up to ten years.
4. A legal entity shall also be held liable for the acts provided for in this Article.

### **Article 308<sup>1</sup>. Prohibited Biomedical Research Involving a Human Being or Human Embryo**

1. A person who conducted prohibited biomedical research involving a human being or human embryo shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.
2. A legal entity shall also be held liable for the acts provided for in this Article.

### **Article 309. Possession of Pornographic Material**

1. A person who, for the purpose of distribution, produces or acquires pornographic material or distributes such material shall be punished by community service or by a fine or by restriction of liberty or by a custodial sentence for a term of up to one year.
2. A person who produces, acquires, stores, demonstrates, advertises, offers or distributes pornographic material displaying a child or presenting a person as a child or, by means of information and communications technologies and other means, acquires or provides access to pornographic material displaying a child or presenting a person as a child, shall be punished by a fine or by a custodial sentence for a term of up to four years.
3. A person who, for the purpose of distribution, produces or acquires or distributes a large quantity of pornographic material displaying a young child shall be punished by a custodial sentence for a term of up to five years.
4. A person who demonstrates or advertises pornographic material shall be considered to have committed a misdemeanour and shall be punished by community service or by a fine or by restriction of liberty or by arrest.
5. A legal entity shall also be held liable for the acts provided for in paragraphs 1, 2 and 3 of this Article.

### **Article 310. Cruel Treatment of Animals**

1. A person who treats an animal with cruelty or tortures him, where this results in the death or mutilation of the animal, shall be punished by community service or by a fine or by arrest or by a custodial sentence for a term of up to one year.
2. A legal entity shall also be held liable for an act provided for in this Article.

## **CHAPTER XLV**

## **CRIMES AND MISDEMEANOURS AGAINST THE MEMORY OF THE DECEASED**

### **Article 311. Desecration of the Remains of the Deceased**

1. A person who unlawfully takes the remains of the deceased or a part thereof or ridicules the remains of the deceased or desecrates them

shall be punished by community service or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.

2. A person who unlawfully reopens a grave and desecrates the remains of the deceased or ridicules them or takes the articles present there

shall be punished by arrest or by a custodial sentence for a term of up to three years.

### **Article 312. Desecration of a Grave or Another Place of Public Respect**

1. A person who destroys or otherwise desecrates a grave or destroys a monument or desecrates another place of public respect

shall be punished by community service or by restriction of liberty or by arrest or by a custodial sentence for a term of up to one year.

2. A person who carries out acts of vandalism in a cemetery or another place of public respect or desecrates a grave or another place of public respect for racist, nationalist or religious reasons

shall be punished by community service or by a fine or by a custodial service for a term of up to three years.

### **Article 313. Contempt for the Memory of the Deceased**

1. A person who, with the intent of expressing contempt for the deceased or the persons close to him, disturbs the peace of a funeral shall be considered to have committed a misdemeanour and

shall be punished by community service or by a fine or by restriction of liberty or by arrest.

2. A person who publicly makes false statements about the deceased, which could arouse contempt for or undermine respect to the memory of the deceased, shall be considered to have committed a misdemeanour and

shall be punished by community service or by a fine or by restriction of liberty or by arrest.

3. A person shall be held liable for the acts provided for in paragraphs 1 and 2 of this Article only under a complaint filed by the victim or a statement by the legal representative thereof or at the prosecutor's request.

## **CHAPTER XLVI**

### **CRIMES AND MISDEMEANOURS AGAINST NATIONAL DEFENCE SERVICE**

#### **Article 314. Evasion of a Draft into Mandatory Military Service**

1. A military conscript who evades a draft into mandatory military service by impairing his health, simulating an illness or a health disorder, forging documents or using other means of deception

shall be punished by arrest or by a custodial sentence for a term of up to three years.

2. A military conscript who evades a draft into mandatory military service, in the absence of the characteristics indicated in paragraph 1 of this Article, shall be considered to have committed a misdemeanour and

shall be punished by a fine or by arrest.

**Article 315. Evasion of a Draft into Military Service During Martial Law**

A military conscript who evades a draft into military service during martial law shall be punished by a custodial sentence for a term of up to five years.

**Article 316. Evasion of Military Service**

1. A serviceman who evades fulfilling of active military service by impairing his health or by simulating an illness, forging documents or using other means of deception shall be punished by a custodial sentence for a term of up to three years.

2. A person who commits the act provided for in paragraph 1 of this Article during martial law or while performing a military assignment or where this act causes serious consequences

shall be punished by a custodial sentence for a term of four up to eight years.

**Article 317. Failure to Execute an Order**

1. A serviceman who fails to execute a commander's order or who refuses to execute it or who otherwise fails to comply with the commander's order shall be punished by arrest or by a custodial sentence for a term of up to two years.

2. A person who commits the act provided for in paragraph 1 of this Article during martial law or while performing a military assignment or where this act causes serious consequences

shall be punished by a custodial sentence for a term of two up to six years.

3. A serviceman who fails to execute a clearly unlawful order of a commander shall not be held criminally liable.

**Article 318. Threats or Violence Against a Commander**

1. A serviceman who threatens a commander with violence by reason of his military duties

shall be punished by arrest or by a custodial sentence for a term of up to two years.

2. A serviceman who uses physical violence against a commander by reason of his military duties

shall be punished by a custodial sentence for a term of up to three years.

3. A serviceman who commits the act provided for in paragraphs 1 and 2 of this Article during martial law or while performing a military assignment or where this act causes serious consequences

shall be punished by a custodial sentence for a term of three up to eight years.

**Article 319. Violent Actions against a Subordinate**

1. A commander who, in performing military duties, uses physical violence against a subordinate serviceman

shall be punished by arrest or by a custodial sentence for a term of up to two years.

2. A commander who commits the act indicated in paragraph 1 of this Article, where this causes serious consequences,

shall be punished by a custodial sentence for a term of three up to eight years.

**Article 320. Terrorisation of a Serviceman**

1. A serviceman who unlawfully demands that another serviceman behave according to his instruction or who humiliates another serviceman by using mental coercion

shall be punished by arrest or by a custodial sentence for a term of up to two years.

2. A serviceman who humiliates or terrorises another serviceman by using physical violence or a weapon shall be punished by a custodial sentence for a term of up to five years.
3. A serviceman who commits the act indicated in paragraphs 1 and 2 of this Article, where this causes serious consequences, shall be punished by a custodial sentence for a term of four up to eight years.

#### **Article 321. Unlawful Order and Execution Thereof**

A serviceman who issues a clearly unlawful order or forces another serviceman to execute such an order, also a serviceman who executes a clearly unlawful order, where this causes serious consequences, shall be punished by a custodial sentence for a term of two up to eight years.

#### **Article 322. Absence without Leave**

1. A serviceman who wilfully leaves his unit or place of service or fails to timely arrive at his unit or place of service without valid reasons, where the absence lasts for a period exceeding three days, but not exceeding ten days, shall be punished by arrest or by a custodial sentence for a term of up to two years.
2. A serviceman who commits the act indicated in paragraph 1 of this Article during martial law or while performing a military assignment shall be punished by a custodial sentence for a term of two up to eight years.

#### **Article 323. Desertion**

1. A serviceman who leaves his unit or place of service for a period exceeding ten days or who fails to arrive at his unit or place of service for this period or, irrespective of the duration of the absence, acts in such a manner with the intent of avoiding military service, shall be punished by a custodial sentence for a term of up to five years.
2. A serviceman who commits the act indicated in paragraph 1 of this Article during martial law or while performing a military assignment shall be punished by a custodial sentence for a term of four up to eight years.

#### **Article 324. Loss of National Defence Property**

A serviceman who, through negligence, loses a weapon, ammunition, explosives, explosive materials, a vehicle or another military equipment entrusted to him for the purposes of service shall be punished by arrest or by a custodial sentence for a term of up to three years.

#### **Article 325. Violation of Guard Duty Rules**

A person who violates requirements of the legal acts regulating guard duty during martial law or while performing a military assignment, where this act causes serious consequences, shall be punished by a custodial sentence for a term of up to five years.

#### **Article 326. Violation of State Border Guard Duty Rules**

1. A serviceman who violates rules of the guard duty of the Republic of Lithuania state border while performing this duty during martial law, where this causes serious consequences, shall be punished by a custodial sentence for a term of up to five years.

2. A person shall be held liable under this Article only where the acts provided for are committed through negligence.

**Article 327. Violation of Duty Rules**

1. A serviceman who violated requirements of the legal acts regulating duty at a unit (with the exception of guard duty), where this causes serious consequences, shall be punished by a custodial sentence for a term of up to three years.

2. A person shall be held liable under this Article only where the acts provided for are committed through negligence.

**Article 328. Abandoning a Sinking Warship**

The captain of a warship who abandons it when it is sinking and fails to perform all of his duties

shall be punished by a custodial sentence for a term of up to five years.

**Article 329. Loss or Dishonouring the Flag of a Military Unit**

A serviceman who loses or dishonours the flag of a unit

shall be punished by arrest or by a custodial sentence for a term of up to two years.

**Article 330. Interpretation of Concepts**

1. **Serviceman** shall mean a citizen of the Republic of Lithuania fulfilling active military service.

2. **Military conscript** shall mean a citizen of the Republic of Lithuania over 18 years of age who is subject to military conscription.

Annex to  
the Criminal Code  
of the Republic of Lithuania

**LEGAL ACTS OF THE EUROPEAN UNION IMPLEMENTED BY THIS LAW**

1. Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein (OJ 2004 Special edition, Chapter 15, Volume 03, p. 136).

2. Council Framework Decision 2000/383/JHA of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro (OJ 2004 Special edition, Chapter 19, Volume 01, p. 187).

3. Council Framework Decision 2001/888/JHA of 6 December 2001 amending Framework Decision 2000/383/JHA on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro (OJ 2004 Special edition, Chapter 19, Volume 04, p. 182).

4. Council Framework Decision 2001/413/JHA of 28 May 2001 combating fraud and counterfeiting of non-cash means of payment (OJ 2004 Special edition, Chapter 15, Volume 06, p. 123).

5. Council Framework Decision 2001/500/JHA of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime (OJ 2004 Special edition, Chapter 19, Volume 04, p. 158).

6. Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism (OJ 2004 Special edition, Chapter 19, Volume 06, p. 18).

7. Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ 2004 Special edition, Chapter 19, Volume 06, p. 34).
8. Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings (OJ 2004 Special edition, Chapter 19, Volume 06, p. 52).
9. Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence (OJ 2004 Special edition, Chapter 19, Volume 06, p. 64).
10. Council Framework Decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence (OJ 2004 Special edition, Chapter 19, Volume 06, p. 61).
11. Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector(OJ 2004 Special edition, Chapter 19, Volume 06, p. 182).
12. Council framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography (OJ 2004 Special edition, Chapter 19, Volume 07, p. 10).
13. Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells (OJ 2004 Special edition, Chapter 15, Volume 08, p. 291).
14. Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking (OJ 2004 L 335, p. 8).
15. Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property (OJ 2005 L 68, p. 49).
16. Council Framework Decision 2005/667/JHA of 12 July 2005 to strengthen the criminal-law framework for the enforcement of the law against ship-source pollution (OJ 2005 L 255, p. 164).
17. Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements (OJ 2005 L 255, p. 11).
18. Council Framework Decision 2008/675/JHA of 24 July 2008 on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings (OJ 2008 L 220, p. 32).
19. Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (OJ 2008 L 300, p. 42).
20. Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law (OJ 2008 L 238, p. 28).
21. Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union (OJ 2008 L 327, p. 27), as amended by Council Framework Decision 2009/299/JHA of 26 February 2009 (OJ 2009 L 81, p.24).
22. Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law (OJ 2008, L 328, p. 55-58).
23. Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism (OJ 2008 L 330, p. 21).

24. Council Framework Decision 2009/299/JHA of 26 February 2009 amending Framework Decisions 2002/584/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA and 2008/947/JHA, thereby enhancing the procedural rights of persons and fostering the application of the principle of mutual recognition to decisions rendered in the absence of the person concerned at the trial (OJ 2009 L 81, p. 24).

25. Directive 2009/123/EC of the European Parliament and of the Council of 21 October 2009 amending Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements (OJ 2009 L 280, p. 52).

26. Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ 2009 L 168, p. 24).

27. Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ 2011 L 101, p. 1).

28. Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ 2011 L 335, p. 1).

29. Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order (OJ 2011 L 338, p. 2).

30. Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA (OJ 2013 L 218, p. 8).

31. Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union (OJ 2014 L 127, p. 39).

32. Directive 2014/57/EU of the European Parliament and of the Council of 16 April 2014 on criminal sanctions for market abuse (market abuse directive) (OJ 2014 L 173, p. 179)

33. Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA (OJ 2014 L 151, p. 1).