

**Act of the President of the Republic of Poland
of July 11, 1932
The Penal Code
Dz.U. 1932 nr 60, poz. 571**

On the basis of (44(6)) of the Constitution and (1(a)) of the Act of March 17, 1932, on authorizing the President of the Republic to issue statutory instruments (Dz.U. 1932 nr 22, poz. 165), I hereby decide as follows:

GENERAL PART.

Chapter I.

Scope of the applicable criminal law.

Art. 1.

A person who commits an act prohibited under the pain of a penalty by the law in force at the time of its commission shall be punishable under criminal law.

[tags: a formal definition of a crime]

Art. 2.

§ 1. If an act other than at the time of the crime commission is in force at the time of issuing the judgement, the new act shall apply; however, the old act should apply if it is more lenient to the perpetrator.

§ 2. A penalty already imposed, but not yet executed, shall not be enforced if, according to the new act, the act covered by the judgement is not a crime.

§ 3. An act issued due to exceptional factual circumstances shall apply to acts committed during its binding force, even if it expired due to a change in these circumstances.

§ 4. Preventive measures shall apply in accordance with the provisions of the new act.

[tags: intertemporal regulations]

Art. 3.

§ 1. The Polish criminal law shall apply to all persons who committed an offence in the territory of the Polish State or on a Polish vessel or aircraft. The area of the state shall also include internal and coastal waters and the air above that area.

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§ 2. An offence shall be deemed to have been committed in the territory of the Polish State, on a Polish vessel or aircraft, when the perpetrator performed a criminal activity or omitted to perform prescribed activity there, or when the criminal effect occurred or according to the perpetrator's intention – was planned to take place there.

[tags: the principle of territoriality]

Art. 4.

§ 1. The Polish criminal law shall apply to Polish citizens who committed an offence abroad.

§ 2. The Polish criminal law shall also apply to foreigners who were citizens of the Polish State at the time of committing the crime; it shall also apply to those who, after committing a crime abroad, obtained Polish citizenship.

[tags: a personality rule, foreigners]

Art. 5.

The Polish criminal law shall apply to foreigners who committed a crime abroad directed against the good and welfare or interests of the Polish State, a Polish citizen or a Polish legal person.

[tags: foreigners]

Art. 6.

§ 1. Criminal liability for an act committed abroad shall be subject to criminalization of the act by the law in force in the place of its commission.

§ 2. If there are differences between these two acts, when applying the Polish act, the judge may take account of the difference in favour of the defendant.

§ 3. Preventive measures shall be applied regardless of the acts in the place the crime was committed.

[tags: an act [committed] abroad, preventive measures, the principle of reciprocity]

Art. 7.

The provision of (6) shall not apply to:

- a) officials who, while being on duty abroad, committed an offence there;
- b) persons who committed an offence in a place not under any governmental authority.

[tags: an act [committed] abroad, exemption from liability]

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Art. 8.

Regardless of the regulations in force in the place where the offence was committed and the citizenship of the perpetrator, the Polish criminal law shall apply to persons who committed the following crimes abroad:

- a) an offence against the internal or external security of the Polish State;
- b) an offence against the offices or officials of the Polish State;
- c) a false statement given to the office of the Polish State.

[tags: the principle of universal repression]

Art. 9.

Regardless of the law in force in the place where the offence was committed, the Polish criminal law shall apply to a Polish citizen and a foreigner who has not been extradited, if they commit the following crimes abroad:

- a) maritime robbery;
- b) counterfeiting money, public securities or bank-notes;
- c) slave trade;
- d) trafficking in women or children;
- e) using an agent capable of causing a general danger with the intention of causing such a danger;
- f) trafficking in abusive substances;
- g) trade in pornographic publications;
- h) other offence provided for in international agreements concluded by the Polish State.

[tags: the principle of universal repression]

Art. 10.

§ 1. The Polish criminal law shall apply to a foreigner who committed an offence not mentioned in (5), (8) and (9) abroad, if the perpetrator is in the territory of the Polish State and if no decision was made to extradite him/her, and the conditions under (6) or (7) are met.

§ 2. The prosecution shall be ordered by the Minister of Justice.

[tags: a foreigner]

Art. 11.

§ 1. If the Polish State convicts a person punished for this act abroad, the court shall apply the penalty, at its discretion, towards the penalty served abroad.

§ 2. Due to an offence tried and judged abroad, the Polish court may, regardless of the acts in the place where the crime was committed, apply preventive measures and issue a judgment as to the loss of rights under the preventive measure.

[tags: conviction abroad, application towards the penalty]

Chapter II.

Principles of liability.

Art. 12.

Offences punishable by death or imprisonment of over 5 years shall be felonies, and punishable by basic penalties of imprisonment of up to 5 years, detention of over 3 months or fines of over 3,000 zlotys – shall be misdemeanours.

[tags: a felony, a misdemeanour, a penalty]

Art. 13.

A felony can only be committed intentionally. A misdemeanour may also be committed unintentionally, if it is expressly provided for in the act.

[tags: a felony, a misdemeanour]

Art. 14.

§ 1. An intentional offence shall take place not only when the perpetrator wants to commit it, but also when the possibility of a criminal effect or a criminal character of the act is anticipated and agreed to.

§ 2. An unintentional offence shall take place both when the perpetrator foresees the possibility of a criminal effect, but unreasonably suspects that he/she will avoid it, and when the perpetrator does not foresee the criminal effect or a criminal character of the act, although he/she can or should have foreseen it.

[tags: intentionality, dolus directus, dolus eventualis, an intention, a direct intention, a possible intention, inadvertence, recklessness, carelessness]

Art. 15.

§ 1. Circumstances which determine higher punishability of criminal record shall only be taken into account if the perpetrator knew or should have known about them.

§ 2. The consequences of an act which higher punishability of criminal record depends on, shall be taken into account only if the perpetrator foresaw or should have foreseen them.

[tags: aggravation of higher punishability of criminal record, the principle of subjectivism]

Art. 16.

Circumstances affecting the punishability of an act shall be taken into account only with regard to this person who they relate to.

[tags: individual liability]

Art. 17.

§ 1. No penalty shall be imposed on a person who, at the time of the act, due to mental defects, mental illness or other mental disturbances, could not recognize the meaning of the act or control his/her behaviour.

§ 2. The provision of paragraph (1) shall not apply in the case, when the perpetrator deliberately put himself/herself in a state of mental disturbance in order to commit the offence.

[tags: a mental defect, a mental illness, insanity]

Art. 18.

§ 1. If, at the time when the crime was committed, the ability to recognize the significance of the act or to control the behaviour was significantly limited, the court may apply extraordinary mitigation of punishment.

§ 2. The provision of paragraph (1) shall not apply in a situation, when the limitation of capacity results from intoxication that the perpetrator bears responsibility for.

[tags: insanity]

Art. 19.

No offence shall be committed if the person commits an act as a result of physical coercion that cannot be resisted.

[tags: physical coercion]

Art. 20.

§ 1. No offence shall be committed if the person commits an act as a result of an error regarding the circumstances of the act essence except if it regards an unintentional misdemeanour and the error resulted from carelessness or negligence.

§ 2. The court may take account of the excused ignorance of the unlawfulness of the act as a basis for extraordinary mitigation of punishment.

[tags: an error of fact, an error of the law, ignorantia iuris]

Art. 21.

§ 1. No offence shall be committed if the person acts in necessary defence fighting back a direct and unlawful attack on one's own or someone else's good or welfare.

§ 2. Should the bounds of necessary defence be exceeded, the court may apply extraordinary mitigation of punishment, and even release the penalty.

[tags: necessary defence, exceeding the bounds of necessary defence, excess]

Art. 22.

§ 1. No penalty shall be imposed if the person acts in order to counter the direct danger to one's own or someone else's good or welfare, if the danger cannot be avoided otherwise.

§ 2. Anyone, who has a special obligation to expose himself/herself to danger, does not act in a state of greater necessity.

§ 3. Sacrificed good or welfare may not present a value obviously greater than the one which is protected.

§ 4. Should the bounds of greater necessity be exceeded, the court may apply extraordinary mitigation of punishment.

[tags: a state of greater necessity]

Chapter III.

Attempt.

Art. 23.

§ 1. Anyone who with the intention to commit an offence undertakes an activity aimed directly at the implementation of this intention, but does not commit the intended crime, shall be responsible for an attempt to commit an offence.

§ 2. An attempt shall also be a situation when the perpetrator did not know that its commission is impossible due to the lack of an item on which the intended offence could be committed, or as a result of using a tool which was not capable of producing the intended effect.

§ 3. Anyone who only because of superstition or ignorance believed in the effectiveness of his/her action shall not be responsible for an attempt to commit an offence.

[tags: an attempt, an inept attempt]

Art. 24.

§ 1. The court shall impose a penalty for attempting to commit an offence within the limits provided for the offence.

§ 2. In the cases specified in (23(2)), the court may apply extraordinary mitigation of punishment.

[tags: an attempt, a penalty for attempting to commit an offence]

Art. 25.

Anyone who voluntarily departed from an activity or prevented a criminal effect shall not be responsible for attempting to commit an offence.

[tags: an attempt, voluntary disclosure]

Chapter IV.

Incitement and abetting.

Art. 26.

Anyone who urges another person to commit an offence, commits an incitement.

[tags: incitement]

Art. 27.

Anyone who assists another person in deed or in word in committing an offence, commits an abetting.

[tags: abetting, physical abetting, psychological abetting]

Art. 28.

An inciter and an abettor shall be liable to the extent of their intention, regardless of the liability of the person who committed or was to commit the intended act.

[tags: incitement, abetting, individualisation of liability, incitement and abetting in individual crimes]

Art. 29.

§ 1. If the offence has not been committed, the inciter and the abettor shall be responsible as for attempting to commit an offence.

§ 2. If the offence was not attempted, the inciter and the abettor shall be liable as for attempting to commit an offence, the court may, however, apply extraordinary mitigation of punishment or release them from punishment.

[tags: incitement, abetting, punishment for incitement or abetting]

Art. 30.

§ 1. Neither the inciter nor the abettor shall be liable if he/she has prevented the effects of his/her actions.

§ 2. The court may apply extraordinary mitigation of punishment towards the inciter or the abettor who tried to prevent the effects of his/her actions.

§ 3. The provisions of paragraphs (1) and (2) shall not apply to anyone who incites another person to commit an offence in order to direct criminal proceedings against that person.

[tags: incitement, abetting, voluntary disclosure]

Chapter V.

Cumulative offences and law provisions.

Art. 31.

§ 1. In the event of a simultaneous conviction to imprisonment or detention for several offences, the court shall impose a total penalty, based on the penalty separately imposed for the cumulative offences.

§ 2. The cumulative penalty may not be lower than the highest of the penalties imposed for individual offences, may not exceed the sum of the penalties imposed, may not exceed by more than half of the highest statutory sentence for an offence subject to the most severe penalty, and may not exceed the highest statutory sentence for a given type of penalty.

§ 3. In the event of a sentence of imprisonment and detention, the cumulative penalty of imprisonment shall be imposed, where 2 days of imprisonment correspond to 3 days of detention, a year shall mean 12 months, and a month shall mean 30 days.

[tags: a cumulative penalty, imprisonment, detention, cumulative offences]

Art. 32.

The same rules shall apply when a fine is imposed for several offences at the same time.

[tags: a cumulative penalty, a fine]

Art. 33.

§ 1. In the event of a simultaneous conviction for several offences to penalty of imprisonment or detention and a fine, the court shall impose a cumulative penalty separately for imprisonment or detention and a fine.

§ 2. Apart from the death penalty, no other basic penalty shall be imposed.

[tags: a cumulative penalty, cumulative penalty principles, concurrence]

Art. 34.

§ 1. Additional penalties and preventive measures shall be applied even if they were adjudicated for one of the cumulative offences.

§ 2. In the event of a simultaneous conviction to additional penalties of losing the same type of rights for several offences, the provisions of (31) shall apply.

[tags: additional penalties, preventive measures]

Art. 35.

The provisions of (31) – (34) shall also apply accordingly in the case when the perpetrator was convicted with several final and binding judgments for offences committed before the first instance court issued the first of these judgments, regardless of whether or not the penalty was executed.

[tags: conviction, a cumulative penalty]

Art. 36.

If the criminal offence falls under several provisions of the criminal law, the court shall apply the most severe penalty, which does not prevent the application of additional penalties or preventive measures provided for in other provisions.

[tags: concurrence of provisions, an additional penalty, a punitive measure, concurrence]

Chapter VI.

Basic penalties.

Art. 37.

Basic penalties include:

- a) death penalty;
- b) imprisonment;
- c) detention;
- d) fine.

[tags: a basic penalty]

Art. 38.

The death penalty shall be executed by hanging.

[tags: death penalty]

Art. 39.

§ 1. The term of imprisonment shall be at least 6 months, maximum 15 years, if life imprisonment is not provided for in the act.

§ 2. A prisoner shall be obliged to work according to the instructions of the prison management. The prisoner can be used for off-site work.

[tags: imprisonment]

Art. 40.

§ 1. The term of detention shall be at least 1 week, maximum 5 years.

§ 2. A detainee shall be obliged to undertake work at his/her choice; if the selected work violates the internal order of the prison or the prisoner does not want to take up any work, the prison management shall assign one.

[tags: detention]

Art. 41.

§ 1. The penalty of imprisonment shall be imposed in months and years, and detention – in weeks, months and years.

§ 2. Months and years shall be counted according to the calendar time, a week shall mean 7 days, and a day shall mean 24 hours.

[tags: imprisonment, detention]

Art. 42.

§ 1. A fine can be imposed in the amount of 5 to 200,000 zlotys.

§ 2. If the offence was committed out of profit, the court, in addition to the penalty of imprisonment or detention provided for in the act, shall impose a fine, unless the fine would not be purposeful.

§ 3. Fines shall be transferred to the State Treasury for the purposes of prisons, juvenile detention centres and preventive institutions.

[tags: a fine, a cumulative fine, acting out of profit]

Art. 43.

§ 1. Should it be impossible to collect the fine, or if its collection exposes the convict to financial ruin, the court shall order that the work be performed as a substitutive fine; the court shall grant permission to perform work off-site, or order that it be performed in the workhouse.

§ 2. Should it be impossible for the convicted to perform work or if the convicted persistently refuses to perform work, the court shall convert the fine into detention, assuming that a day of detention shall be an equivalent to a fine in the amount of 5 to 50 zlotys.

§ 3. If the fine was imposed in addition to the imprisonment, then in the case of paragraph (2), the court shall convert the fine to imprisonment, assuming that a day of imprisonment shall be an equivalent to a fine in the amount of 10 to 100 zlotys.

§ 4. The minimum term of the substitutive penalty shall be one day of detention or imprisonment. The maximum term of the substitutive penalty shall be 3 years of

detention or 2 years of imprisonment. The substitutive penalty may not exceed the maximum term of imprisonment or detention provided for this particular offence.

§ 5. Should the convicted be unfit for work, the court may refrain from executing the substitutive penalty.

§ 6. The convicted may be released from work as a substitutive fine or a substitutive penalty of imprisonment or detention at any time by submitting the amount of money that is still due.

§ 7. If the fine has been partially paid, the designated work or substitutive penalty shall be relatively reduced.

[tags: a fine, a substitutive penalty, a substitutive fine]

Chapter VII.

Additional penalties.

Art. 44.

Additional penalties shall include:

- a) loss of public rights;
- b) loss of honorary civil rights;
- c) loss of the right to practice a profession;
- d) loss of parental or custody rights;
- e) forfeiture of property and tools;
- f) publishing the judgment in papers.

[tags: additional penalties, punitive measures]

Art. 45.

The loss of public rights shall include the loss of the right to vote and to be elected to any legislative, self-governmental and other public law body, and to participate in the judiciary system, and also the deprivation of public offices and positions, and the ability to obtain them.

[tags: public rights]

Art. 46.

The loss of honorary civil rights shall include the loss of honorary titles, orders and decorations, as well as the ability to obtain them.

[tags: honorary civil rights]

Art. 47.

§ 1. The court shall order the loss of public and honorary civil rights in the case of:

- a) death penalty or life imprisonment;
- b) imprisonment for crimes against the state or crimes against the external interests of the state and international relations;
- c) imprisonment for other offences committed out of profit.

§ 2. The court may order the loss of public rights and honorary civil rights in the case of imprisonment for any other offence committed out of profit or for other base motives.

[tags: public rights, honorary civil rights]

Art. 48.

§ 1. The court shall order the loss of the right to practice a profession in the cases of the sentence referred to in (47(1)), if the following is found:

- a) an abuse of the profession while committing the offence, or
- b) the perpetrator's incapacity to perform the profession disclosed at the time of committing the offence and dangerous for the society.

§ 2. The court may order the loss of the right to practice a profession in cases other than those referred to in (47(1)), if there is an abuse of the profession or an inability to perform the profession, referred to in paragraphs (1(a)) or (1(b)) of this article.

[tags: the right to practice a profession]

Art. 49.

If the offence was committed against a minor under the age of 17 or in cooperation with such a minor, the court may order the loss of parental or custody rights.

[tags: parental rights, custody rights]

Art. 50.

§ 1. The court may order the forfeiture of items derived directly or indirectly from the crime, as well as the tools which were used or were intended to commit the crime.

§ 2. If the property is not owned by the perpetrator, forfeiture takes place only in the cases specified in a statutory act.

§ 3. If the acts or international agreements do not include deviating provisions, the collected property shall be transferred to the State Treasury for the purposes of prisons, juvenile detention centres and preventive institutions.

[tags: forfeiture of property]

Art. 51.

§ 1. The court may order publishing the judgment in papers at the expense of the convicted, if the offence was committed in a printed version.

§ 2. The manner and papers in which the judgement is to be published shall be indicated by the court in its decision.

[tags: publishing the judgment]

Art. 52.

§ 1. The rights shall be lost once the judgement has become final and binding.

§ 2. With the death penalty and life imprisonment, the loss of rights shall be ordered perpetually.

§ 3. In other cases, the loss of rights shall be ordered for a period of 2 to 10 years. This period shall not include the time that passes from the moment the judgment becomes final and binding, to serving the basic penalty, forgiveness or limitation, and in the cases of (83) and (84) – to the release from the preventive institution. After this period, the convicted shall regain the right to vote and to be elected, the right to participate in the judiciary system, parental or custody rights, the right to practice a profession and the ability to obtain other lost rights.

[tags: loss of rights]

Art. 53.

§ 1. The court may restore the right to vote and to be elected, the right to participate in the judiciary system, parental or custody rights, the right to practice a profession and the ability to obtain other lost rights after a certain period during which the convicted live a faultless life.

§ 2. This period, starting from the moment of serving [the sentence], forgiveness or limitation of the basic penalty, or the release from the preventive institution, shall be at least half of the time for which the loss of rights was supposed to last, however, not less than 2 years.

[tags: voting rights, restoration]

Chapter VIII.

Determining the punishment.

Art. 54.

The court shall impose the penalty at its discretion, paying attention first of all to the perpetrator's motives, the means of operation and attitude towards the victim, the level of mental development and character of the perpetrator, the perpetrator's life so far, and the behaviour after committing the offence.

[tags: determining the punishment]

Art. 55.

Special circumstances affecting the penalty shall be taken into account only for the person concerned.

[tags: subjective circumstances, individualisation of the sentence]

Art. 56.

When assessing the amount of a fine, the court shall take account of the property relations of the perpetrator.

[tags: property circumstances]

Art. 57.

§ 1. If the act gives the court a choice between imprisonment and detention, detention may not be imposed if the offence was for base motives.

§ 2. If the act gives the court a choice between the penalty of imprisonment or detention and a fine, the court shall impose a penalty of imprisonment or detention only if the fine would not be purposeful.

[tags: a choice of penalty, primacy of the fine]

Art. 58.

In the event of the penalty of imprisonment or detention, the court may credit the period of pre-trial detention in full or in part towards the penalty.

[tags: crediting pre-trial detention]

Art. 59.

§ 1. In the cases specified in a statutory act, the court may apply extraordinary mitigation of punishment:

- a) by imposing imprisonment of more than 5 years instead of the death penalty or life imprisonment;
- b) by imposing imprisonment of up to 5 years or detention instead of imprisonment of over 5 years;
- c) by imposing detention instead of imprisonment of up to 5 years;
- d) by imposing a fine instead of detention.

§ 2. The penalty of detention may not be used instead of imprisonment, if the offence was for base motives.

[tags: extraordinary mitigation of punishment]

Art. 60.

§ 1. If the perpetrator commits a new offence for the same reasons or of the same type as the previous one within 5 years after serving the sentence in the country or abroad, in full or at least in the third part, or within 5 years after the release from the prison, the court may impose a penalty that is 50% higher than the highest statutory sentence, however, without exceeding the statutory limit of a given type of penalty. If the act gives the court a choice between imprisonment and detention, detention cannot be imposed.

§ 2. The provision of paragraph (1) shall apply to a professional or habitual offender, even if there is no return to the offence.

[tags: reoffending]

Chapter IX.

Conditional suspension of execution of penalty .

Art. 61.

§ 1. The court may order that the execution of a penalty of imprisonment or detention, basic or substitutive, not exceeding 2 years, shall be suspended for a period of 2 to 5 years.

§ 2. The conditional suspension of execution of penalty shall apply to a person for whom – due to his/her character, the crime attendant circumstances, the behaviour after committing the crime – it should be assumed that despite the sentence non-execution of penalty, the person will not commit a new offence.

§ 3. The conditional suspension of execution of penalty shall not apply to the persons referred to in (60).

[tags: conditional suspension of execution of penalty, probation measure]

Art. 62.

§ 1. In the event of conditional suspension of execution of penalty, the court may place the convicted under protective supervision for the duration of the suspension; the court shall entrust the supervision to trusted persons or institutions.

§ 2. Should the economic conditions of the convicted allow, the court may oblige the convicted to compensate the damage caused by the offence, within the time and the extent specified in the judgment.

[tags: conditional suspension of execution of penalty, supervision, a probation measure, compensation for damage]

Art. 63.

§ 1. If, during the period of the sentence suspension of execution of penalty, the convicted commits a new offence for the same reasons or of the same type as the previous one, the court shall order the execution of the suspended penalty.

§ 2. The court may order the execution of the suspended penalty, if, during the suspension period, the convicted person commits an offence other than the one specified in paragraph (1), evades supervision, conducts poorly or fails to perform the obligation to compensate the damage.

[tags: conditional suspension of execution of penalty, reoffending, order to execute the sentence]

Art. 64.

If, within 3 months following the expiry of the suspension period, the court does not order the penalty execution, the sentencing shall be deemed null and void, and the convicted shall regain the right to vote and to be elected, the right to participate in the judiciary system, parental or custody rights, the right to practice a profession and the ability to obtain other lost rights.

[tags: conditional suspension, expiry of the trial period]

Chapter X.

Conditional release.

Art. 65.

§ 1. A person sentenced to imprisonment or detention may be conditionally released from serving part of the sentence, if his/her behaviour while serving the sentence and personal conditions allow to assume that he/she will not commit a new offence.

§ 2. The convicted should serve not less than two-thirds of the sentence imposed with the judgement, in any case not less than 8 months, sentenced to life imprisonment – not less than 15 years.

§ 3. The period of pre-trial detention or the penalty part that was discharged, shall not be included in the sentence imposed and the sentence served.

§ 4. The convicted, towards whom preventive measures are to be applied after serving the sentence, may not be conditionally released.

[tags: a conditional release, formal premises of the conditional release, material premises of the conditional release, probation measures]

Art. 66.

§ 1. In the case of a conditional release, the convicted may be placed under protective supervision for a trial period; the supervision shall be entrusted to trusted persons or institutions.

§ 2. The trial period shall cover the remaining time until the sentence is served, in any case not less than a year. In the event of life imprisonment, the trial period shall be 5 years.

[tags: supervision, a trial period]

Art. 67.

§ 1. If, during the trial period, the convicted commits a new crime for the same reasons or of the same type as the previous one, a conditional release shall be revoked.

§ 2. A conditional release may be revoked if the convicted, during the trial period, commits an offence other than the one mentioned in paragraph (1), or evades supervision or conducts poorly.

§ 3. If the conditional release is revoked, the period spent off-site shall not be applied towards the penalty.

[tags: premises of revoking a conditional release]

Art. 68.

If it was not revoked within 3 months following the end of the trial period, the penalty shall be considered served.

[tags: a conditional release, an execution of penalty]

Chapter XI.

Proceedings regarding minors.

Art. 69.

§ 1. The following persons shall not be punished:

- a) a minor who, before the age of 13, committed a punishable act;
- b) a minor who, after reaching the age of 13, and before the age of 17, committed such an act without discernment, i.e. having not developed mentally and morally to the extent that would allow him/her to recognize the meaning of the act and direct his/her actions.

§ 2. In terms of such minors, the court shall apply only educational measures, namely: a warning, placement under trusted supervision of parents, existing guardians or a special probation officer, or placement in a care and educational centre.

[tags: minors, limits of criminal liability]

Art. 70.

A minor who, after reaching the age of 13, and before the age of 17, committed a punishable act with discernment, shall be sentenced by the court and placed in a juvenile detention centre.

[tags: juvenile detention centre]

Art. 71.

The court shall have the right to apply educational measures to a minor who committed a punishable act with discernment, if due to the circumstances of the act, the minor's character, or his/her living conditions or the conditions of his/her environment, his/her placement in a juvenile detention centre is not purposeful.

[tags: educational measures]

Art. 72.

A minor shall remain in the juvenile detention centre until the age of 21.

[tags: a juvenile detention centre]

Art. 73.

§ 1. In the event of a minor who committed a punishable act, excluding acts punishable by death or life imprisonment, the court shall have the right, if purposeful, suspend the placement in the juvenile detention centre as a trial for a period of 1 to 3 years.

§ 2. During the trial period, the court shall apply educational measures towards the minor.

§ 3. If, during the trial period, the minor conducts poorly, the court, at the request of the management of the educational institution, probation officer, father, mother or the minor's guardian, or on its own initiative, may revoke the suspension and place the minor in the juvenile detention centre.

§ 4. If, during the trial period, the suspension was not revoked, the sentencing shall be deemed null and void.

[tags: a juvenile detention centre, trial, minor, suspension]

Art. 74.

§ 1. The management of the juvenile detention centre shall have the right to place the minor outside the facility for a specified period of time as a trial.

§ 2. The minor placed so shall be deemed to be remaining in the facility and shall be strictly supervised by the facility.

§ 3. The management of the juvenile detention centre may revoke such a placement at any time.

[tags: a trial, a minor, placement outside the juvenile detention centre]

Art. 75.

§ 1. At the request of the management of the juvenile detention centre or on its own initiative, the court may conditionally release the detainee who stayed in the facility for a specified period of time for at least 6 months.

§ 2. The court shall place the conditionally released person under the supervision of a probation officer appointed for this purpose.

§ 3. If the conditionally released person conducts poorly, the court shall have the right, at the request of the management of the juvenile detention centre, probation officer,

father, mother or the guardian of a minor, or on its own initiative, to revoke the release.

§ 4. If, during the period of a conditional release, no appeal was made or if the conditionally released person reached the age of 21, the sentencing shall be deemed null and void.

[tags: a juvenile detention centre, supervision, a probation officer, a conditional release]

Art. 76.

§ 1. If towards a minor who, after reaching the age of 13, and before the age of 17, committed a punishable act with discernment, criminal proceedings were instituted after reaching the age of 17, and it would no longer be purposeful to place him/her in a juvenile detention centre, a penalty provided for in the act shall be imposed and extraordinary mitigation of punishment shall be applied.

§ 2. If such a minor is sentenced, no additional penalties shall be imposed, with the exception of the penalty provided for in (44(e)).

[tags: a juvenile detention centre, extraordinary mitigation of punishment]

Art. 77.

If the convicted to be placed in a juvenile detention centre reached the age of 20 before the commencement of the sentence, the minor shall not be placed in a juvenile detention centre, but the court which issued the sentence shall impose a sentence pursuant to (76).

[tags: a penalty, a minor]

Art. 78.

If the detainee of the juvenile detention centre, who did not reach the age of 17, committed a punishable act, the management of the facility shall solve it by means of a disciplinary action.

[tags: a juvenile detention centre, discipline]

Chapter XII.

Preventive measures.

Art. 79.

If the perpetrator of a punishable act is deemed not liable, and the fact that he/she remains at liberty poses a threat to the legal order, the court shall order his/her detainment in a closed institution for the mentally ill or in another medical institution.

[tags: a threat, an institution for the mentally ill, a medical institution]

Art. 80.

§ 1. If the offender was found to have a reduced ability to recognize or control the behaviour ((18(1))), and the fact that he/she remains at liberty poses a threat to the legal order, the court may order his/her detainment in a closed institution for the mentally ill or in another medical institution.

§ 2. If such an offender was sentenced by the court to imprisonment or detention, the court shall decide whether or not the sentence imposed shall be executed after the offender is released from the medical institution.

[tags: an institution for the mentally ill, a medical institution]

Art. 81.

The duration of stay in the facilities listed in (79) and (80) shall not be indicated in advance. The court may not order the release from prison earlier than after 1 year.

[tags: an institution for the mentally ill, a medical institution]

Art. 82.

§ 1. If the act is related to the abuse of alcoholic beverages or other intoxicants, the court may order that the perpetrator, after possibly serving the imposed sentence, be placed in an appropriate medical institution for a period of 2 years.

§ 2. The court shall decide upon an earlier release from the medical institution.

[tags: a medical institution, intoxicants]

Art. 83.

§ 1. Should the act be in relation to the work disgust, the court may order that the offender be placed in a workhouse for a period of 5 years after serving the sentence.

§ 2. After 1 year the court may order the release.

[tags: a workhouse]

Art. 84.

§ 1. The court orders that a criminal who re-offended 3 times ((60(1))), or a professional or habitual offender be placed in a facility for wrongdoers, after serving the sentence, if his/her stay at liberty poses a threat to the legal order.

§ 2. Placement in the facility shall last as long as it is necessary, in any case at least 5 years; after the end of each 5-year period, the court shall decide whether the offender should be obliged to stay in the facility for subsequent 5 years.

[tags: a facility for wrongdoers]

Art. 85.

If the perpetrator was found to be not liable or not subject to penalty, or if the proceedings were remitted, the court may apply (48) – (50) as a preventive measure.

[tags: a preventive measure, remission]

Chapter XIII.

Limitation.

Art. 86.

It shall not be possible to initiate criminal proceedings due to an offence committed years ago:

- a) 20, if the act constitutes a felony punishable by death penalty or life imprisonment;
- b) 10, if the act constitutes another felony;
- c) 5, if the act constitutes a misdemeanour.

[tags: limitation, death penalty, life imprisonment, a felony, a misdemeanour]

Art. 87.

No judgement of conviction shall be issued, even if at that time ((86)) any judicial action was taken to prosecute a given perpetrator for a given offence, if the following number of years have passed since the crime was committed:

- a) 20, if the act constitutes a felony punishable by death penalty or life imprisonment;
- b) 15, if the act constitutes another felony;
- c) 10, if the act constitutes a misdemeanour.

[tags: limitation, death penalty, life imprisonment, a felony, a misdemeanour]

Art. 88.

The limitation period shall not run if a provision of a statutory act does not allow for the initiation or further conduct of criminal proceedings; it shall not concern the lack of motion or private action.

[tags: limitation, a private action]

Art. 89.

§ 1. The sentence cannot be executed or no preventive measures can be applied if the following number of years have passed since the judgement of conviction became final and binding:

- a) 30 in the case of death penalty or life imprisonment;
- b) 20 in the case of imprisonment;
- c) 15 in the case of detention or a fine.

§ 2. The limitation period shall not run during the postponement, break or conditional suspension of execution of penalty, or the application of a preventive measure.

[tags: a penalty, preventive measures, postponement, conditional suspension of execution of penalty]

Chapter XIV.

Expungement of conviction.

Art. 90.

§ 1. After 10 years following the serving, forgiveness or limitation of the sentence, or the release from the preventive institution, the court may order, at the request of the convicted, that the conviction be expunged.

§ 2. With regard to persons sentenced to the loss of public or honorary civil rights, the 10-year period shall begin to run from the day the convicted regains the ability to obtain the lost rights.

§ 3. If the convicted, prior to obtaining the right to apply for expungement of conviction, had committed a new crime for which he was sentenced to imprisonment, then it shall be only permissible to simultaneously expunge all convictions.

§ 4. If expungement is ordered, the conviction shall be deemed null and void. Expungement of conviction shall entail, in particular, the removal of the entry on the conviction from all criminal records.

[tags: a sentence, an expungement]

Chapter XV.

Explanation of expressions.

Art. 91.

§ 1. A close relative shall be an ascendant or a descendant, siblings, a spouse, as well as parents, siblings and children of the spouse.

§ 2. A close person shall be a person who, by kinship, affinity, friendship or the duty of gratitude, has the right to count on special considerations of a given individual.

§ 3. A document shall be any object that proves the entitlement, legal relationship or the circumstances that may have a legal significance.

§ 4. An unlawful threat shall be both a threat of committing a crime (a punishable threat), as well as a threat of causing criminal proceedings or spreading a message offensive to the threatened person or his/her relatives.

§ 5. A military person shall be also be deemed an official.

[tags: a dictionary, a legal definition]

Chapter XVI.

Relationship to specific laws.

Art. 92.

The provisions of the general part of this Code shall apply to felonies and misdemeanours as well as penalties and preventive measures provided for in other statutory acts, unless these laws contain deviating provisions.

[tags: laws, lex specialis]

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SPECIFIC PART.

Chapter XVII.

Felonies against the state.

Art. 93.

§ 1. A penalty of imprisonment of not less than 10 years or life imprisonment or the death penalty shall be imposed on a person who tries to deprive the Polish State of its independent existence or tear off part of its territory.

§ 2. A penalty of imprisonment of not less than 10 years or life imprisonment shall be imposed on a person who tries to change the system of the Polish State by force.

[tags: an attack on independence, an attack on the territorial integrity, change of the political system by force, coup]

Art. 94.

§ 1. A penalty of imprisonment of not less than 10 years or life imprisonment or the death penalty shall be imposed on a person who attacks the President of the Republic of Poland in order to take his/her life or health.

§ 2. A penalty of imprisonment of not less than 10 years or life imprisonment shall be imposed on a person who attempts to remove the President of the Republic of Poland, or to seize his/her power, or to exert influence on his/her activities by force or an unlawful threat.

[tags: president, coup, a felony against the state]

Art. 95.

A penalty of imprisonment of not less than 10 years shall be imposed on a person who attempts to remove Sejm, Senate, the National Assembly, government, minister or courts of law by force, or seize their power.

[tags: the Lower House (Sejm), the Upper House (Senate), the National Assembly, government, minister, courts of law, coup, a felony against the state]

Art. 96.

A penalty of imprisonment of not less than 10 years shall be imposed on a person who makes preparations to commit the offence specified in (93), (94) or (95).

[tags: punishable preparations]

Art. 97.

§ 1. A penalty of imprisonment shall be imposed on a person who, in order to commit the offence referred to in (93), (94) or (95), enters into agreement with other persons.

§ 2. No penalty shall be imposed on a person who, having participated in the agreement, notifies the authority established to prosecute offences, before the authority learns about the agreement and before any negative consequences for the State arise. Whoever led to the agreement shall not be subject to impunity.

[tags: changing the system by force, agreement, complicity, voluntary disclosure]

Art. 98.

A penalty of imprisonment of not less than 5 years shall be imposed on a person who, in order to commit the felony specified in (93), (94) or (95):

- a) communicates with a person acting in the interest of a foreign state or international organization, or
- b) collects weapons of an armed fight.

[tags: an agreement, a felony against the state]

Chapter XVIII.

Offences against the State external interests and international relations.

Art. 99.

A penalty of imprisonment of not less than 10 years shall be imposed on a person who enters into an agreement with a person acting in the interest of a foreign state or international organization in order to provoke military or other hostile actions against the Polish State.

[tags: an agreement, a war, a state]

Art. 100.

§ 1. A penalty of imprisonment of not less than 10 years or life imprisonment shall be imposed on a person who, during the war, acts in favour of the enemy or to the detriment of the Polish or allied armed force.

§ 2. A penalty of imprisonment of 3 years or detention of 3 years shall be imposed on a perpetrator who acts unintentionally.

[tags: sabotage, a war, a state]

Art. 101.

§ 1. A penalty of imprisonment of not less than 10 years shall be imposed on a person, who as a Polish citizen, accepts duties in the enemy army or does not abandon such duties, even if he/she has obtained foreign citizenship by joining a foreign army.

§ 2. A penalty of imprisonment of not less than 10 years or life imprisonment or the death penalty shall be imposed on a person who takes part in military actions against the Polish State.

[tags: recruitment, a war, an army]

Art. 102.

A penalty of imprisonment of not less than 10 years or life imprisonment or the death penalty shall be imposed on a person who during the war, without belonging to the enemy army, undertakes military actions against the Polish State.

[tags: a war, guerilla warfare, sabotage]

Art. 103.

A penalty of imprisonment up to 5 years shall be imposed on a person who facilitates escape of a prisoner of war.

[tags: aid, a prisoner of war]

Art. 104.

§ 1. A penalty of imprisonment shall be imposed on a person who in order to weaken the defensive spirit of society, spreads during the war or in times of imminent war news that may weaken this spirit.

§ 2. A penalty of detention of up to 2 years or a fine shall be imposed on a perpetrator who – not aimed at weakening the defensive spirit, disseminates false news.

[tags: a war, dissemination, news, defeatism]

Art. 105.

§ 1. A penalty of imprisonment of up to 10 years shall be imposed on a person who supplies the army with weapons or other military equipment which is not fit for use.

§ 2. A penalty of imprisonment of not less than 10 years shall be imposed on a person who, during the war or in the period of imminent war, does not perform the agreed supply for the army or performs it not in line with the contract.

§ 3. The same penalties shall apply to the supplier, broker, agent or officer of the supplier, or the intermediary who caused the delivery of goods which are not fit for use or failed to comply with the contract.

§ 4. A penalty of detention shall be imposed on a perpetrator who acts unintentionally.

[tags: deliveries, an army, a war]

Art. 106.

A penalty of imprisonment of not less than 5 years or life imprisonment shall be imposed on a person who, when being authorized to act on behalf of the Polish State in relation to the government of a foreign state, acts to the detriment of the Polish State.

[tags: treason, diplomacy]

Art. 107.

A penalty of imprisonment of not less than 10 years shall be imposed on a person who, to the detriment of the Polish State, damages, hides, modifies or forges documents that may be relevant to the legal relationship with a foreign country.

[tags: documents, forging, modifying]

Art. 108.

A penalty of imprisonment of up to 10 years shall be imposed on a person who in order to expose the Polish State to the danger of war or severing diplomatic relations undertakes hostile actions against a foreign state.

[tags: a war, diplomatic relations, a foreign state]

Art. 109.

A penalty of imprisonment of up to 10 years shall be imposed on a person who, as a Polish citizen, disseminates false news abroad in a public manner in order to harm the interests of the Polish State.

[tags: interests of the Polish state, dissemination of news]

Art. 110.

A penalty of imprisonment up to 5 years shall be imposed on a person who violates the regulations issued by the Polish State aimed at securing neutrality during the war.

[tags: neutrality, a war]

Art. 111.

§ 1. A penalty of imprisonment of up to 10 years shall be imposed on a person who in the territory of the Polish State commits an active assault on the head or a diplomatic representative of a foreign state who is accredited in the Polish State.

§ 2. A penalty of imprisonment of up to 3 years or detention of up to 3 years shall be imposed on a person who insults such a person.

[tags: an active assault, representatives, a foreign state]

Art. 112.

§ 1. A penalty of detention of up to 1 year shall be imposed on a person who in the territory of the Polish State, insults, damages or removes the emblem, the flag, or the ensign of a foreign country, displayed in public by its representative office.

§ 2. The crime shall be prosecuted on condition of reciprocity.

[tags: the banner, the national emblem, the flag, an insult, the principle of reciprocity]

Art. 113.

§ 1. A penalty of imprisonment up to 5 years shall be imposed on a person who publicly incites an aggressive war.

§ 2. The offence shall be prosecuted only when the act specified in paragraph (1) is considered punishable by the acts of the state against which the incitement is directed.

[tags: incitement, a war, the principle of reciprocity]

Chapter XIX.

Offences against associations under public law.

Art. 114.

A penalty of imprisonment of up to 10 years shall be imposed on a person who by means of violence or a punishable threat, influences or interferes with the activities of Sejm, Senate, the National Assembly or the autonomous Sejm.

[tags: violence, a punishable threat, exerting influence, the Lower House (Sejm), the Upper House (Senate), the National Assembly, the Silesian parliament]

Art. 115.

A penalty of imprisonment of up to 5 years or detention shall be imposed on a person who by means of violence or a punishable threat, influences or interferes with activities of a public law association other than this specified in (114).

[tags: violence, a punishable threat, exerting influence, public bodies]

Art. 116.

Penalty of imprisonment of up to 5 years shall be imposed on a person who by means of violence or an unlawful threat, influences or interferes with performing the duties of a member of Sejm, Senate or the autonomous Sejm.

[tags: violence, an unlawful threat, exerting influence, a member of Sejm, Senate, or the autonomous Sejm, the Lower House (Sejm), the Upper House (Senate), the Silesian parliament]

Art. 117.

A penalty of imprisonment of up to 3 years or detention of up to 3 years shall be imposed on a person who by means of violence or an unlawful threat, influences or interferes with performing the duties of a member of a public law association, other than those specified in (116).

[tags: violence, an unlawful threat, exerting influence, public bodies]

Chapter XX.

Offences against voting in public matters.

Art. 118.

A penalty of imprisonment of up to 5 years or detention shall be imposed on a person who, contrary to the law, exerts influence on the result of voting in public matters held pursuant to the Constitution or another statutory act, and in particular:

- a) draws up a list of voters excluding the entitled or entering the non-entitled,
- b) by means of deception incorrectly draws up the voting list;
- c) damages, conceals, modifies or forges the minutes or other voting documents;
- d) votes without being entitled to do so;
- e) commits excesses when accepting or counting the votes.

[tags: an election, voting, voters, votes]

Art. 119.

A penalty of imprisonment of up to 5 years or detention shall be imposed on a person who, by means of violence, an unlawful threat or deception interferes with:

- a) holding a pre-voting assembly, or
- b) exercising the right to vote in a free manner, or
- c) voting or counting votes.

[tags: an election, voting]

Art. 120.

A penalty of imprisonment of up to 5 years or detention shall be imposed on a person who uses violence, unlawful threat, or deception in order to influence voting of the entitled person or to prevent the person from voting.

[tags: an election]

Art. 121.

A penalty of imprisonment of up to 5 years shall be imposed on a person who grants or promises to provide a material or personal benefit to the person entitled to vote or to another person in order to influence the manner of voting of the entitled person or to prevent the person from voting.

[tags: an election, providing a benefit, voting, a material benefit]

Art. 122.

A penalty of imprisonment of up to 5 years shall be imposed on a person who, when being entitled to vote, accepts a material or personal benefit for himself/herself or another person for voting in an agreed manner or for refraining from voting, or requests such benefits.

[tags: a material benefit, an election, a personal benefit]

Art. 123.

A penalty of imprisonment of up to 5 years shall be imposed on a person who accepts a material or personal benefit for himself/herself or another person for influencing the manner of voting of the entitled person or for preventing this person from voting, or requests such benefits.

[tags: a material benefit, a personal benefit, an election]

Art. 124.

A penalty of detention of up to 1 year or a fine shall be imposed on a person who contrary to the provisions on the secrecy of voting, reads the content of someone else's vote.

[tags: a election, voting, secrecy]

Chapter XXI.

Offences against authorities and offices.

Art. 125.

§ 1. A penalty of imprisonment of up to 10 years shall be imposed on a person who commits an active assault on the President of the Republic of Poland,

§ 2. A penalty of imprisonment of up to 5 years shall be imposed on a person who offends the honor or authority of the President of the Republic of Poland.

[tags: an assault on the President, an offence of the President, an active assault]

Art. 126.

A penalty of imprisonment of up to 10 years shall be imposed on a person who by means of violence or a punishable threat, influences or interferes with the official activities of the government, the minister or the court of law.

[tags: violence, a punishable threat, government, a minister, court of law]

Art. 127.

A penalty of detention of up to 2 years or a fine shall be imposed on a person who in the place of, or during official activities, or publicly insults the authority, office, army, navy or the units thereof.

[tags: an insult, authority, office, army, navy]

Art. 128.

A penalty of detention of up to 6 months or a fine shall be imposed on a person who behaves indecently during the official activities of a governmental or self-governmental body in or outside the registered office of the authorities.

[tags: governmental body, self-governmental body]

Art. 129.

A penalty of imprisonment of up to 3 years or detention up to 3 years shall be imposed on a person who who uses violence or unlawful threat in order to force an official or a person called upon to assist him to refrain from taking a legal official action.

[tags: an official, a person called upon to assist an official, an official action]

Art. 130.

A penalty of imprisonment of up to 3 years or detention up to 3 years shall be imposed on a person who uses violence or unlawful threat in order to force an official or a person called upon to assist him to take a legal official action.

[tags: an official, a person called upon to assist an official, an official action]

Art. 131.

A penalty of imprisonment of up to 5 years shall be imposed on every person if the act referred to in (129) or (130), was committed by 3 or more people acting in concert.

[tags: an agreement, a group of people]

Art. 132.

§ 1. A penalty of imprisonment of up to 2 years or detention up to 2 years shall be imposed on a person who insults an official or a person called upon to assist him while performing his/her official duties.

§ 2. The same penalties shall be imposed on anyone who insults a person belonging to the diplomatic staff of a foreign state mission, a consul thereof, or a clergyman of a legally recognized religion or a religious association while performing official or religious duties.

[tags: an official, insult, a consul, diplomatic mission, clergyman, a person called upon to assist an official]

Art. 133.

§ 1. A penalty of imprisonment of up to 5 years shall be imposed on a person who commits an active assault on an official or a person called upon to assist him while performing his/her official duties or because of them.

§ 2. The same punishment shall be imposed on anyone who commits an active assault on a person belonging to the diplomatic staff of a foreign state mission, a consul

thereof, or a clergyman of a legally recognized religion or religious association while performing official or religious duties.

[tags: an official, a person called upon to assist an official, diplomatic mission, clergyman]

Art. 134.

A penalty of imprisonment of up to 5 years and a fine shall be imposed on a person who provides or promises to provide a material or personal benefit to an official or other person in order to induce the official to breach his/her official duty.

[tags: active corruption, a material benefit, a personal benefit, an official]

Art. 135.

A penalty of imprisonment of up to 3 years and a fine shall be imposed on a person who provides a material or personal benefit to an official or another person for violating professional duties of the official.

[tags: a material benefit, a personal benefit, an official, professional duties]

Art. 136.

A penalty of imprisonment of up to 2 years or detention of up to 2 years shall be imposed on a person who by falsely representing the powers of the official, performs an official activity.

[tags: falsely representation as an official, an official activity]

Art. 137.

A penalty of imprisonment of up to 2 years shall be imposed on a person who uses deceitful measures in order to obtain the position of an official or the right to perform an official activity.

[tags: an official, an official activity, obtaining rights under false pretences]

Art. 138.

A penalty of imprisonment of up to 2 years or detention of up to 2 years shall be imposed on a person who damages or removes from the disposition of governmental or self-governmental authority an object deposited at its request.

[tags: a deposited object]

Art. 139.

A penalty of detention of up to 1 year or a fine shall be imposed on a person who damages, removes or renders signs, legally placed by governmental or self-governmental authority in order to identify the object, lock it or subject it to disposition of authority.

[tags: governmental authority, self-governmental authority, damaging, removing or rendering legal signs]

Chapter XXII.

False testimony.

Art. 140.

§ 1. A penalty of imprisonment of up to 5 years or detention shall be imposed on a person who, by giving a testimony to serve as evidence for the court of law or other authority, provides false testimony or conceals the truth.

§ 2. The prerequisite to this liability shall be the fact that the person obtaining the testimony, acting within the scope of his/her powers, either instructs the person giving the testimony about criminal liability for giving false testimony, or administers an oath or affirmations substituting the oath.

[tags: a false testimony, concealment of the truth, an oath]

Art. 141.

No penalty shall be imposed on a person who without being warned about the right to refuse to testify, makes a false testimony out of fear of criminal liability to be borne by himself/herself or his/her close relatives.

[tags: a state of higher necessity, a false testimony]

Art. 142.

In the cases mentioned in (140), the court may apply extraordinary mitigation of punishment or release the perpetrator from punishment if:

- a) the false testimony refers to circumstances which may not affect the case resolution, or
- b) the perpetrator of the offence corrects the false testimony before the case is resolved by the court or other authority before which he/she testified.

[tags: extraordinary mitigation of punishment]

Chapter XXIII.

Offences against the judiciary authority.

Art. 143.

A penalty of imprisonment of up to 5 years or detention shall be imposed on a person who falsely accuses another person before the authority or the office appointed to prosecute for an act punishable in court or in administrative or disciplinary proceedings.

[tags: false accusations]

Art. 144.

A penalty of imprisonment of up to 5 years or detention shall be imposed on a person who directs prosecution for an offence punishable in court or in administrative or disciplinary proceedings against a specific person, or in the course of prosecution takes such actions, by creating false evidence or other deceptive measures.

[tags: provocation]

Art. 145.

§ 1. A penalty of detention or a fine shall be imposed on a person who conceals evidence of the innocence of a person suspected of an act punishable in court or in administrative or disciplinary proceedings.

§ 2. No penalty shall be imposed on a person who conceals evidence of the innocence out of fear of disgrace or criminal liability to be borne by himself/herself or his/her close relatives.

[tags: concealing evidence, a suspect]

Art. 146.

A penalty of imprisonment of up to 2 years or detention up to 2 years shall be imposed on a person who falsely accuses himself/herself before the authority or the office appointed to prosecute for a felony or a misdemeanour.

[tags: a false self-accusation]

Art. 147.

A penalty of imprisonment of up to 2 years or detention up to 2 years shall be imposed on a person who notifies the authority or the office appointed to prosecute for a felony or a misdemeanour, knowing that such an offence has not been committed.

[tags: a felony, a misdemeanour, a false accusation]

Art. 148.

§ 1. A penalty of imprisonment of up to 5 years or detention shall be imposed on a person who obstructs or frustrates criminal proceedings, helping the perpetrator to avoid criminal liability, in particular who hides the perpetrator, erases the crime traces, damages, conceals, counterfeits or modifies evidence, or serves the prison sentence instead of the perpetrator.

§ 2. No penalty shall be imposed on a person who provides the assistance specified in paragraph (1) to the close relative, or out of fear of criminal liability to be borne by himself/herself or his/her close relatives.

§ 3. The court may release the perpetrator, who gave assistance to a close person, from penalty.

[tags: obstruction of justice]

Art. 149.

A penalty of imprisonment of up to 3 years shall be imposed on a person who uses violence or an unlawful threat in order to influence the activities of a witness, an expert, a translator, a lay judge or a juror, or who in connection with these activities commits an active assault.

[tags: violence, an unlawful threat, a witness, an expert, a translator, a lay judge, a juror]

Chapter XXIV.

Release of a person deprived of liberty.

Art. 150.

§ 1. A penalty of detention of up to 6 months or a fine shall be imposed on a person who liberates himself/herself when being deprived of liberty on the basis of the court order or legal order of the public authority.

§ 2. A penalty of imprisonment of up to 3 years or detention of up to 3 years shall be imposed if the perpetrator who acts in concert with other persons or uses violence or an unlawful threat, or damages the place of imprisonment.

§ 3. A penalty of imprisonment of up to 3 years or detention of up to 3 years shall be imposed on a person who agrees with other imprisoned in order to liberate himself/herself according to a detailed plan and the use of violence, threats or damage to the place of imprisonment is anticipated.

[tags: self-liberation, an agreement]

Art. 151.

§ 1. A penalty of imprisonment of up to 3 years or detention of up to 3 years shall be imposed on a person who releases or facilitates the escape of a person deprived of liberty on the basis of the court order or legal order of the public authority.

§ 2. A penalty of detention of up to 1 year shall be imposed on the perpetrator who acts unintentionally.

[tags: liberation, assistance]

Chapter XXV.

Offences against public order.

Art. 152.

A penalty of imprisonment of up to 3 years or detention of up to 3 years shall be imposed on a person who publicly insults or mocks the Polish Nation or the Polish State.

[tags: insulting the Nation, insulting the State, mocking the Nation, mocking the State]

Art. 153.

A penalty of imprisonment of up to 2 years or detention of up to 2 years shall be imposed on a person who insults the emblem, the flag, the ensign, the banner or other symbol of Polish state, or damages or removes such a mark or symbol displayed in public.

[tags: an insult, the emblem, the banner, the flag, the ensign, the national symbol]

Art. 154.

§ 1. A penalty of imprisonment of up to 5 years or detention shall be imposed on a person who publicly incites to commit a crime or approves it.

§ 2. A penalty of imprisonment of up to 10 years shall be imposed if the act specified in paragraph (1) refers to an offence against the state.

[tags: incitement to commit an offence, public approval of a crime]

Art. 155.

§ 1. A penalty of imprisonment of up to 3 years or detention of up to 3 years shall be imposed on a person who, for the purpose of dissemination, prepares, stores or transports papers, prints or images inciting to commit a crime or approving it.

§ 2. A penalty of imprisonment of up to 5 years shall be imposed if the act specified in paragraph (1) refers to an offence against the state.

[tags: dissemination, incitement to commit an offence, public approval, print]

Art. 156.

A penalty of imprisonment of up to 2 years or detention of up to 2 years shall be imposed on a person who publicly incites to disobey or counteract the acts or legal regulations of the authorities.

[tags: incitement to disobey the authorities, incitement to break the law]

Art. 157.

A penalty of imprisonment of up to 1 year or detention of up to 1 year shall be imposed on a person who, for the purpose of dissemination, prepares, stores or transports papers, prints or images, inciting to disobey or counteract the acts or legal regulations of the authorities.

[tags: dissemination, incitement to disobey the authorities, incitement to break the law]

Art. 158.

Penalties provided for in these provisions shall be imposed on a person who commits the acts referred to in (154) or (156), even in private, but in relation to minors under the age of 17 or military personnel.

[tags: acting in private, minors, military personnel]

Art. 159.

§ 1. A penalty of detention of up to 6 months or a fine shall be imposed on a person who before the main hearing, disseminates news regarding the inquiry or the investigation to the public, without the permission of the investigating authority.

§ 2. A penalty of detention of up to 6 months or a fine shall be imposed on a person who disseminates news from a closed court hearing.

[tags: dissemination of news, an inquiry, an investigation]

Art. 160.

A penalty of imprisonment of up to 5 years and a fine shall be imposed on a person who accepts possession or, for any purpose, acquires the property obtained through a crime, or helps to sell or hide it.

[tags: dealing in stolen property]

Art. 161.

A penalty of detention of up to 2 years or a fine shall be imposed on a person who accepts possession or, for any purpose, acquires the property which, on the basis of the accompanying circumstances, should be assumed to have been obtained through a crime, or helps to sell or hide it.

[tags: dealing in stolen property]

Art. 162.

A penalty of detention of up to 1 year shall be imposed on a person who does not leave the crowd of people, despite being requested 3 times by the appropriate authorities to do so.

[tags: a crowd of people]

Art. 163.

A penalty of imprisonment of up to 5 years shall be imposed on a person who attends a crowd of people and by joint forces commits the offence referred to in (129) or (130), or a violent attack on a person or property.

[tags: a crowd of people, a violent attack]

Art. 164.

§ 1. A penalty of imprisonment of up to 2 years or detention of up to 2 years shall be imposed on a person who attends an assembly or a meeting aimed at committing an offence.

§ 2. A penalty of imprisonment of up to 5 years or detention shall be imposed on a person who manages such an assembly or meeting.

[tags: a criminal assembly, managing a criminal assembly]

Art. 165.

§ 1. A penalty of imprisonment of up to 3 years or detention of up to 3 years shall be imposed on a person who participates in a union the existence, structure or purpose of which is to remain secret from the state authority.

§ 2. A penalty of imprisonment of up to 5 years or detention shall be imposed on a person who establishes or manages such a union.

[tags: a secret union]

Art. 166.

§ 1. A penalty of imprisonment of up to 5 years shall be imposed on a person who participates in a union aimed at committing an offence.

§ 2. A penalty of imprisonment of up to 10 years shall be imposed on a person who establishes or manages such a union.

[tags: a criminal union]

Art. 167.

§ 1. A penalty of imprisonment of up to 10 years shall be imposed on a person who participates in an unlawfully established armed union.

§ 2. A penalty of imprisonment of up to 5 years shall be imposed on a person who establishes such a union, manages it or supplies it with weapons.

[tags: an unlawfully established armed union]

Art. 168.

A penalty of detention of up to 2 years shall be imposed on a person who desecrates the mortal remains or the resting place of the deceased, or maliciously interferes with the funeral or obsequies.

[tags: insulting the mortal remains, interfering with the obsequies]

Art. 169.

A penalty of detention of up to 6 months or a fine shall be imposed on a person who takes possession of the mortal remains or parts thereof from an authorized person.

[tags: insulting the mortal remains]

Art. 170.

A penalty of detention of up to 2 years or a fine shall be imposed on a person who publicly disseminates false news that may cause public concern.

[tags: false news, dissemination of news]

Art. 171.

A penalty of imprisonment of up to 3 years shall be imposed on a person who publicly disseminates false news or uses other deceptive measures in order to exert influence on the circulation or the price of an object of public trading or a necessity.

[tags: false news]

Chapter XXVI.

Offences against religious feelings.

Art. 172.

A penalty of imprisonment of up to 5 years shall be imposed on a person who blasphemes the name of God in public.

[tags: blasphemy]

Art. 173.

A penalty of imprisonment of up to 3 years shall be imposed on a person who publicly insults or mocks a legally recognized religion or a religious association, its dogmas, beliefs or rituals, or insults the object of its religious worship or a place intended for the performance of its religious rituals.

[tags: insulting a religious association, insulting the object of religious worship]

Art. 174.

A penalty of detention of up to 2 years shall be imposed on a person who maliciously interferes with the public collective performance of a religious act of a legally recognized religion or a religious association.

[tags: interfering a religious act]

Chapter XXVII.

Forgery of money, securities, official marks and measuring instruments.

Art. 175.

§ 1. Whoever forges or counterfeits Polish or foreign bullion or paper money or removes the mark of its redemption shall be punished with imprisonment for not less than 2 years.
§ 2. The provisions of § 1 are applicable to bearer documents including an obligation to pay the principal, interest or share in profit or acknowledgement of shareholding in a company.

[tags: forgery of money; forgery of securities]

Art. 176.

Whoever reduces the value of bullion in Polish or foreign bullion money shall be punished with imprisonment for up to 5 years.

[tags: forgery of money]

Art. 177.

Whoever puts the money or paper specified in Article 175 or 176 into circulation, accepts, transports or stores it for this purpose shall be punished with imprisonment for up to 10 years.

[tags: forgery of money; forgery of securities]

Art. 178.

Whoever puts into circulation the money or paper specified in Article 175 or 176 which he or she received as genuine or full-value shall be punished with detention for up to 6 months or a fine.

[tags: forgery of money; forgery of securities]

Art. 179.

Whoever, for the completion of the act specified in Article 175 or 176, drafts, purchases or stores technical means shall be punished with imprisonment for up to 5 years.

[tags: forgery of money; forgery of securities]

Art. 180.

§ 1. Whoever, for the completion of the act specified in Article 175, 176 or 177, enters into an agreement with other persons shall be punished with imprisonment for up to 5 years.

§ 2. Whoever, having taken part in an agreement, reports it to the authority appointed to prosecute crimes, before the authority obtains knowledge of the agreement, shall not be punished. Whoever effected such an agreement cannot take advantage of impunity.

[tags: forgery of money; forgery of securities]

Art. 181.

Whoever, for the purpose of use or putting into circulation, counterfeits or modifies an official mark of value, or whoever puts into circulation, stores, purchases or uses such a counterfeited or modified mark shall be punished with imprisonment for up to 2 years or arrest of up to 2 years.

[tags: counterfeit; modification]

Art. 182.

Whoever, for the purpose of use or putting into circulation, removes a redemption sign from an official mark of value or whoever puts into circulation, purchases or uses such a mark after the removal of the sign shall be punished with imprisonment for up to 2 years or detention for up to 2 years.

[tags: redemption; official mark of value]

Art. 183.

Whoever, for the purpose of use in public circulation, counterfeits or modifies official marks acknowledging authorization, payment of stamp fee or the result of examination or whoever uses items with such counterfeited or modified marks in public circulation shall be punished with imprisonment for up to 3 years.

[tags: redemption; official mark of value]

Art. 184.

Whoever, for the purpose of counterfeiting or modifying official marks specified in Article 181 or 183, drafts, purchases or stores technical means shall be punished with imprisonment for up to 2 years.

[tags: redemption; official mark of value]

Art. 185.

Whoever counterfeits or modifies legalized measuring instruments or stores or uses them in public circulation shall be punished with imprisonment for up to 3 years.

[tags: counterfeit, measuring instruments]

Art. 186.

§ 1. Money, papers and securities which have been counterfeited or modified or from which redemption signs have been removed, and counterfeited or modified measuring instruments, as well as technical means specified in Articles 179 or 184 shall be subject to forfeiture even if they are not the property of the perpetrator.

§ 2. Counterfeited or modified official marks specified in Article 183 must be removed even if it requires destruction of an item.

[tags: forfeiture]

Chapter XXVIII.

Crimes against documents.

Art. 187.

Whoever, for the purpose of use as authentic, counterfeits or modifies a document or uses a counterfeited or modified document as authentic shall be punished with imprisonment for up to 5 years.

[tags: counterfeit of document; modification of document]

Art. 188.

Whoever, for the purpose of counterfeit or modification of a document, counterfeits, modifies or purchases a seal, stamp or another tool shall be punished with imprisonment for up to 3 years.

[tags: counterfeit of document; modification of document]

Art. 189.

Whoever damages or hides a document he or she has not the right to dispose of freely shall be punished with imprisonment for up to 3 years or detention for up to 3 years.

[tags: document; hiding a document; damaging a document]

Art. 190.

§ 1. Whoever damages, removes, moves or makes invisible or falsely displays border marks shall be punished with imprisonment for up to 5 years.

§ 2. Whoever damages, removes, moves or makes invisible or falsely displays watermarks shall be punished with imprisonment for up to 3 years.

[tags: border mark, watermark]

Art. 191.

Whoever, for the purpose of use as authentic, counterfeits or modifies identity certificates or certificates related to personal relationships or uses or sells such a counterfeited or modified certificate shall be punished with imprisonment for up to 3 years or arrest for up to 3 years.

[tags: identity certificate, counterfeit, modification]

Art. 192.

§ 1. A person of public trust and physician, veterinarian or midwife who attests an untruth in respect of circumstances having legal importance shall be punished with imprisonment for up to 2 years or detention for up to 2 years.

§ 2. Whoever uses such a certificate shall be subject to the same punishment.

[tags: attestation of an untruth, person of public trust]

Art. 193.

Whoever extorts attestation of an untruth by deceitful misleading of an official or person of public trust or whoever uses such an attestation shall be punished with imprisonment for up to 2 years or detention for up to 2 years.

[tags: attestation of an untruth; misleading]

Art. 194.

Whoever completes a blank form with somebody else's signature contrary to the will of the signatory or to his or her detriment or whoever uses such a document shall be punished with imprisonment for up to 3 years.

[tags: blank form; signature]

Chapter XXIX.

Crimes against civil status and identity documents.

Art. 195.

Whoever changes his or her or another person's civil status illegally shall be punished with imprisonment for up to 5 years or detention.

[tags: change in civil status]

Art. 196.

Whoever uses somebody else's identity documents or lends his or her own identity documents for this purpose shall be punished with detention for up to 1 year or a fine.

[tags: identity; forgery of identity document]

Chapter XXX.

Crimes against marriage.

Art. 197.

Whoever contracts marriage despite his or her previous marriage not being dissolved or declared invalid or who contracts marriage with a person whose previous marriage has not been dissolved or declared invalid shall be punished with imprisonment for up to 5 years.

[tags: bigamy]

Art. 198.

§ 1. Whoever, in relation with contracting his or her own or somebody else's marriage commits an act causing invalidity of this marriage, provided annulment takes place, shall be punished with imprisonment for up to 3 years.

§ 2. Prosecution takes place at the request of the detrimented spouse.

[tags: invalidity of marriage]

Chapter XXXI.

Crimes against custody and guardianship.

Art. 199.

Whoever, contrary to the will of a person having the right of custody or guardianship, abducts or detains a minor below 17 years of age or a person under custody or guardianship due to abnormality or unconsciousness shall be punished with imprisonment for up to 5 years.

[tags: abduction]

Art. 200.

Whoever, contrary to the obligation of custody or guardianship, abandons a child below 13 years of age, a person under custody or guardianship due to abnormality or unconsciousness shall be punished with imprisonment for up to 5 years.

[tags: custody over a child; abandonment of a child]

Art. 201.

§ 1. Whoever, by malicious evasion of executing the obligation to provide for the maintenance of his or her closest person encumbering him or her by law, brings this person to destitution or the necessity to use support shall be punished with imprisonment for up to 3 years or detention for up to 3 years.

§ 2. Whoever commits the act specified in § 1 to another person shall be subject to the same punishment if the maintenance obligation has been declared in a final or enforceable court judgement.

§ 3. Prosecution takes place at the request of the victim or ex officio in case of his or her death caused by a crime specified in § 1 or § 2.

[tags: alimony; alimony obligation]

Art. 202.

Whoever evades the obligation to make endeavours necessary to maintain the life or health of another person and thus brings in the danger of this person's death shall be punished with imprisonment for up to 3 years or detention for up to 3 years.

[tags: bringing in the danger of death]

Chapter XXXII.

Lewdness.

Art. 203.

Whoever commits a lewd act to a person below 15 years of age or wholly or partially deprived of the capacity to recognize the meaning of the act or direct his or her conduct shall be punished with imprisonment for up to 10 years.

[tags: paedophilia]

Art. 204.

§ 1. Whoever, by force of illegal threat or deceit, brings another person to submit to or perform a lewd act shall be punished with imprisonment for up to 10 years.

§ 2. Prosecution takes place at the request of the victim.

[tags: rape]

Art. 205.

§ 1. Whoever, by abusing the dependency relationship or exploiting a critical situation, brings another person to submit to or perform a lewd act shall be punished with imprisonment for up to 5 years.

§ 2. Prosecution takes place at the request of the victim.

[tags: dependency relationship, pimping]

Art. 206.

Whoever has a sexual intercourse with a direct line relative, brother or sister shall be punished with imprisonment for up to 5 years.

[tags: incest]

Art. 207.

Whoever, out of desire to make profit, offers himself or herself for a lewd act to a person of the same sex shall be punished with imprisonment for up to 3 years.

[tags: prostitution]

Art. 208.

Whoever, out of desire to make profit, facilitates somebody else's prostitution shall be punished with imprisonment for up to 5 years.

[tags: prostitution; pimping]

Art. 209.

Whoever draws profit from somebody else's prostitution shall be punished with imprisonment for up to 5 years.

[tags: prostitution; pimping]

Art. 210.

Whoever solicits another person to professional prostitution shall be punished with imprisonment for up to 5 years and a fine.

[tags: pimping]

Art. 211.

Whoever transports another person out of the country for the purpose of destining him or her to professional prostitution shall be punished with imprisonment for up to 10 years and a fine.

[tags: pimping]

Art. 212.

Whoever commits the crime specified in Articles 208-211 to his own wife, child, step-child, grandchild, person given under guardianship, for custody or upbringing or to a minor below 21 years of age shall be punished with imprisonment for a period not shorter than 3 years and a fine.

[tags: rape; pimping]

Art. 213.

Whoever commits a lewd act in public or in the presence of a minor below 15 years of age shall be punished with detention for up to a year.

[tags: minor; demoralization]

Art. 214.

§ 1. Whoever disseminates papers, prints, images or other items of pornographic nature shall be punished with detention for up to 2 years.

§ 2. Whoever, for the purpose of dissemination, prepares, stores or transports such papers, prints, images or items shall be subject to the same punishment.

[tags: pornography; dissemination]

Chapter XXXIII.

Bringing in general danger.

Art. 215.

§ 1. Whoever brings in the danger of fire, flooding, collapse of a structure or catastrophe in land, water or air communication shall be punished with imprisonment.

§ 2. If the perpetrator acts unintentionally he or she shall be punished with detention for up to a year or a fine.

[tags: bringing in the danger of a catastrophe]

Art. 216.

§ 1. Whoever brings in general danger to human life or health or to property in significant size by the use of explosive or flammable materials or gases shall be punished with imprisonment.

§ 2. If the perpetrator acts unintentionally he or she shall be punished with detention for up to a year or a fine.

[tags: general danger]

Art. 217.

§ 1. Whoever brings in general danger to human life or health or to property in significant size:

a) by damaging or abuse of public utility equipment such as: supply devices for water, light, heating or energy, protective equipment in coal mines or factories; or

b) by expanding or thwarting the suppression of human, animal or plant plague; or

c) by other acts in particularly dangerous circumstances

shall be punished with imprisonment.

§ 2. If the perpetrator acts unintentionally he or she shall be punished with detention for up to a year or a fine.

[tags: general danger]

Art. 218.

Whoever makes preparations to commit a crime specified in Article 215 § 1, 216 § 1 and 217 § 1 shall be punished with imprisonment for up to 5 years.

[tags: criminal preparations]

Art. 219.

§ 1. Whoever, for the purpose of committing a crime specified in 215 § 1, 216 § 1 and 217 § 1, enters into agreement with other persons shall be punished with imprisonment for up to 5 years.

§ 2. Whoever, having taken part in an agreement, reports it to the authority appointed to prosecute crimes, before the authority obtains knowledge of the agreement and

prior to any negative effects to human life or property, shall not be punished. Whoever effected such an agreement cannot take advantage of impunity.

[tags: agreement; denunciation]

Art. 220.

In cases specified in Articles 215-219 the court may apply an extraordinary mitigation of punishment or release from punishment if the perpetrator, by his or her own conduct, reversed the whole or a part of threat.

[tags: extraordinary mitigation of punishment, active regret]

Art. 221.

Whoever, having knowledge of general danger threatening human life or health or property in significant size, obstructs actions aimed at preventing this danger shall be punished with imprisonment for up to 5 years.

[tags: preventing rescue action]

Art. 222.

§ 1. Whoever, without permission, collects or stores weapons or ammunition or explosive materials or devices or other items which may bring in general danger shall be punished with imprisonment for up to 3 years or detention for up to 3 years.

§ 2. Whoever, without permission, produces explosive materials or devices or other items which may bring in general danger shall be subject to the same punishment.

[tags: collecting weapons; explosive materials; ammunition]

Chapter XXXIV.

Crimes against public utility devices.

Art. 223.

Whoever obstructs or prevents general use of public utility devices designated for public transportation or public communication shall be punished with imprisonment for up to 5 years or detention.

[tags: destruction of public utility devices]

Art. 224.

Whoever obstructs or prevents proper operation of hospitals, public utility devices supplying water, light, heat or energy or serving the discharge of sewage shall be punished with imprisonment for up to 5 years.

[tags: destruction of public utility devices]

Chapter XXXV.

Crimes against life and health.

Art. 225.

§ 1. Whoever kills a human being shall be punished with imprisonment for at least 5 years or with life or death sentence.

§ 2. Whoever kills under emotional strain shall be punished with imprisonment for up to 10 years.

[tags: homicide; homicide under emotional strain]

Art. 226.

A mother who kills her child during childbirth under the influence of its course shall be punished with imprisonment for up to 5 years.

[tags: infanticide]

Art. 227.

Whoever kills a human being at his or her request and under the influence of compassion to him or her shall be punished with imprisonment for up to 5 years or detention.

[tags: euthanasia]

Art. 228.

Whoever, by incitement or providing assistance, brings a human being to an attempt to kill himself or herself shall be punished with imprisonment for up to 5 years.

[tags: incitement to suicide]

Art. 229.

Whoever enters in an agreement which lets the fate decide which party is to take his or her own life shall be punished with imprisonment for up to 5 years.

[tags: suicide, American duel]

Art. 230.

§ 1. Whoever causes the death of a human being unintentionally shall be punished with imprisonment for up to 5 years.

§ 2. If the death results from intentional bodily injury, health disorder, spending foetus or abandonment, specified in Article 200, the perpetrator shall be punished with imprisonment for up to 10 years.

[tags: manslaughter, fatal result]

Art. 231.

A woman who spends her own foetus or allows another person to spend it shall be punished with detention for up to 3 years.

[key word: abortion]

Art. 232.

Whoever, with the consent of a pregnant woman, spends her foetus or assists her to do so shall be punished with imprisonment for up to 5 years.

[key word: abortion]

Art. 233.

The crime specified in Articles 231 and 232 does not take place if the surgery has been performed by a physician and:

- a) was necessary due to the pregnant woman's health; or
- b) pregnancy has resulted from crime specified in Article 203, 204, 205 or 206.

[tags: lawful excuses]

Art. 234.

Whoever, without the consent of the pregnant woman, spends her foetus shall be punished with imprisonment for up to 10 years.

[key word: abortion]

Art. 235.

§ 1. Whoever:

a) deprives a human being of his or her sight, hearing, speech, ability to conceive; or
b) causes other permanent disability, severe incurable illness, life-threatening or permanent mental disorder or permanent unfitness to work
shall be punished with imprisonment for up to 10 years.

§ 2. If the perpetrator acts unintentionally he or she shall be punished with imprisonment for up to 3 years.

[tags: serious health impairment]

Art. 236.

§ 1. Whoever causes:

a) bodily injury or health disorder which do not threaten life or only threaten it temporarily and afflict the action of an organ for at least 20 days; or
b) permanent defacement or bodily deformation
shall be punished with imprisonment for up to 5 years.

§ 2. If the perpetrator acts unintentionally he or she shall be punished with imprisonment for up to a year or detention up to a year.

[tags: moderate health impairment]

Art. 237.

§ 1. Whoever causes bodily injury or health disorder other than specified in Articles 235 and 236 shall be punished with imprisonment for up to 2 years or detention up to 2 years.

§ 2. If the perpetrator acts unintentionally he or she shall be punished with detention for up to 6 months or a fine.

§ 3. The crimes specified in §§ 1 and 2 are prosecuted on private indictment.

[tags: slight health impairment]

Art. 238.

§ 1. Whoever kills a human being in a duel or causes his or her bodily injury shall be punished with imprisonment for up to 5 years or detention.

§ 2. The seconds may be released from punishment by the court.

[tags: duel]

Art. 239.

§ 1. Whoever hits a human being or otherwise violates his or her bodily integrity shall be punished with detention for up to a year or a fine.

§ 2. If the act has been provoked by defiant conduct of the victim or if the victim responded with an act of the same nature the court may release the perpetrator from punishment.

§ 3. Prosecution takes place on private indictment.

[tags: violation of bodily integrity; circumstances repealing criminality]

Art. 240.

Whoever takes part in a fight or beating a human being resulting in death or injury specified in Article 235 or 236 shall be punished with imprisonment for up to 5 years.

[tags: fight; fatal result]

Art. 241.

Whoever, taking part in a fight or beating a human being, uses weapon, a knife or other dangerous tool shall be punished with imprisonment for up to 2 years.

[tags: fight; dangerous tool]

Art. 242.

§ 1. Whoever exposes the life of a human being to direct danger shall be punished with imprisonment for up to 3 years.

§ 2. The perpetrator who is obliged to care for or guard the person exposed to danger shall be punished with imprisonment for up to 5 years.

§ 3. If the perpetrator acts unintentionally he or she shall be punished with detention for up to a year or a fine.

[tags: exposure to danger; guarantor]

Art. 243.

§ 1. Whoever, in circumstances threatening with direct danger to life, abandons a person for whom he or she is obliged to care or guard he or she shall be punished with imprisonment for up to 5 years.

§ 2. If the perpetrator acts unintentionally he or she shall be punished with detention for up to a year.

[tags: guarantor; abandonment; exposure to danger]

Art. 244.

Whoever, without an authorization, provides another person with intoxicating poison shall be punished with imprisonment for up to 5 years or detention.

[tags: provision; poison]

Art. 245.

§ 1. Whoever, being afflicted with venereal disease, exposes another person to infection with this disease shall be punished with imprisonment for up to 3 years or detention for up to 3 years.

§ 2. If the perpetrator is the spouse of the victim prosecution takes place at the request of the victim.

[tags: exposure to danger; disease]

Art. 246.

Whoever, physically or morally, abuses a minor below 17 years of age or helpless who remains in permanent or temporary relationship of dependence on the perpetrator shall be punished with imprisonment for up to 5 years.

[tags: abuse, minor, helpless]

Art. 247.

Whoever fails to provide help to a human being in circumstances threatening with direct danger to life, being able to do so without exposing himself or herself or close persons to personal danger, shall be punished with imprisonment for up to 3 years or detention for up to 3 years.

[tags: failure to provide help]

Chapter XXXVI.

Crimes against liberty.

Art. 248.

§ 1. Whoever deprives a human being of liberty shall be punished with imprisonment for up to 5 years.

§ 2. If the deprivation of liberty lasted longer than 14 days or was connected with special torment or with being placed under the authority of a foreign state, or in other particularly grave cases, the perpetrator shall be punished with imprisonment for up to 10 years.

[tags: illegal deprivation of liberty; special torment]

Art. 249.

Whoever causes giving another person to slavery, whoever trades in slaves or participates in a company related to trading slaves shall be punished with imprisonment for not shorter than 5 years.

[tags: human trafficking; slavery]

Art. 250.

Whoever threatens another person with committing a crime or misdemeanour to the detriment of this person or his or her relatives, and provided the threat is probable and may arise fear in the threatened person, shall be punished with imprisonment for up to 2 years or detention for up to 2 years.

[tags: unlawful threat]

Art. 251.

Whoever, by force or unlawful threat, compels another person to act, refrain from action or endure shall be punished with imprisonment for up to 2 years or detention for up to 2 years.

[tags: coercion]

Art. 252.

§ 1. Whoever enters by force somebody else's house, apartment, chambers, premises, property fenced in relation with residence or fenced and serving as a place of stay or,

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despite the demand of an entitled person refuses to leave such a place shall be punished with detention for up to 2 years or a fine.

§ 2. Prosecution takes place on private indictment.

[tags: violation of domestic peace]

Chapter XXXVII.

Violation of secrecy.

Art. 253.

§ 1. Whoever, without authorization, opens a sealed letter not designated for him or her or appropriates or destroys somebody else's correspondence before the addressee gets familiar with it or connects to a cable used for transmitting messages or obtains telephone or telegraphic message not designated for him or her shall be punished with detention for up to 2 years or a fine.

§ 2. Whoever announces or disseminates such a message shall be punished with detention for up to 2 years or a fine.

§ 3. Prosecution of crimes specified in §§ 1 and 2 takes place on private indictment and if it refers to correspondence or messages designated for authorities or state offices, on the indictment of relevant authority or office.

[tags: secrecy of correspondence]

Art. 254.

§ 1. Whoever, contrary to his or her duty, discloses private secret known to him or her in relation with exercising his or her profession or public function, shall be punished with imprisonment for up to 2 years or detention for up to 2 years.

§ 2. This crime may also be committed by a person assisting in the performance of a profession or public function.

§ 3. There is no crime if the secret is disclosed due to justified public or private interest.

§ 4. Prosecution takes place at the request of the victim.

[tags: professional secrecy]

Chapter XXXVIII.

Defamation.

Art. 255.

§ 1. Whoever defames another person, institution or association, even without legal personality, with conduct or properties that may be disgraceful for the public opinion or expose this party to the loss of confidence necessary at a given position, profession or type of business, shall be punished with detention for up to 2 years and a fine.

§ 2. There is no crime if the charge is true. If the charge is made in public a proof of truth may be conducted only when the perpetrator has acted in defence of justified public or private interest, his or her own or somebody else's, and in addition, the proof does not relate to the circumstances of private or family life.

§ 3. Conviction should be announced in magazines at the expense of the person convicted at the motion of the prosecutor.

§ 4. Prosecution takes place on private indictment.

§ 5. If an official is defamed prosecution may also take place at the request of his or her superiors.

[tags: defamation; announcing the verdict to the public]

Art. 256.

§ 1. Whoever violates personal dignity of another person in his or her presence or even absence but publicly or with the intention that the defamation should reach this person shall be punished with detention for up to one year or a fine.

§ 2. If the defamation is provoked by defiant conduct of the defamed person or if the defamed person responded with reciprocal defamation or violation of bodily injury the court may release the perpetrator from punishment.

§ 3. Prosecution takes place on private indictment.

§ 4. Defamation of an official due to fulfilling official duties may also be prosecuted at the request of his or her superiors.

[tags: defamation]

Chapter XXXIX.

Crimes against property.

Art. 257.

§ 1. Whoever takes movable property from somebody else for the purpose of appropriation shall be punished with imprisonment for up to 5 years.

§ 2. In minor cases the court may apply extraordinary mitigation of punishment and even release from punishment if the perpetrator, out of misery, has taken a low-value item of first necessity.

§ 3. If the crime has been committed to the detriment of the closest relation prosecution takes place at the request of the victim.

[tags: theft; minor case]

Art. 258.

Whoever uses violence or threatens with using immediate violence on a person to remain in possession of somebody else's moveable property taken from another person for the purpose of appropriation or to avoid direct chase shall be punished with imprisonment for up to 10 years.

[tags: robbery]

Art. 259.

Whoever takes somebody else's property from another person for the purpose of appropriation using violence or threatening with using immediate violence on the person or bringing a person to unconsciousness or helplessness shall be punished with imprisonment.

[tags: banditry]

Art. 260.

Whoever arms or adopts a sea vessel designated to committing a crime at sea specified in Article 259 or accepts service on such a ship shall be punished with imprisonment for up to 10 years.

[tags: preparation; piracy]

Art. 261.

Whoever, for the purpose of obtaining material benefit for himself or herself or another person, using violence or threatening with using immediate violence on person, forces another person to dispose of his or her own or somebody else's property shall be punished with imprisonment for up to 10 years.

[tags: extortion by force]

Art. 262.

§ 1. Whoever appropriates somebody else's movable property shall be punished with imprisonment for up to 3 years or detention for up to 3 years.

§ 2. Whoever appropriates property entrusted to him or her shall be punished with imprisonment for up to 5 years or detention.

§ 3. Whoever appropriates found property shall be punished with detention for up to 6 months or a fine.

§ 4. The court may apply extraordinary mitigation of punishment or release from it if the perpetrator, out of misery, has appropriated a low-value item of first necessity for the purpose of using.

§ 5. If the crime has been committed to the detriment of the closest relation prosecution takes place at the request of the victim.

[tags: appropriation]

Art. 263.

§ 1. Whoever damages somebody else's property or makes it unfit for use shall be punished with imprisonment for up to 2 years or detention for up to 2 years.

§ 2. The court may apply extraordinary mitigation of punishment in minor cases.

§ 3. If the crime specified in § 1 has been committed by the use of fire, explosive or flammable materials, the perpetrator shall be punished with imprisonment for up to 5 years.

§ 4. In cases specified in §§ 1 and 2 prosecution takes place on private indictment if public interest has not been violated.

[tags: damage of property; minor case]

Art. 264.

§ 1. Whoever, for the purpose of obtaining his or her own or somebody else's benefit, brings another person, by misleading him or her or exploiting of his or her mistake, to disadvantageous disposal of his or her or somebody else's property shall be punished with imprisonment for up to 5 years.

§ 2. The court may apply extraordinary mitigation of punishment in minor cases.

§ 3. If the crime has been committed to the detriment of the closest relation prosecution takes place at the request of the victim.

[tags: fraud; minor case]

Art. 265.

Whoever, without an intention to pay the due, beguiles food or drinks at a restaurant, hotel accommodation, accommodation or food in a boarding house, travel by train or another means of transportation, entrance to a show, operation of an automatic machine or other similar services known to him or her as paid for, shall be punished with detention for up to one year or a fine.

[tags: fraudulence]

Art. 266.

Whoever, for the purpose of obtaining material benefit for himself or herself or another person brings another person to dispose of his or her own property, exploiting of the incapacity of this person to properly comprehend the intended action shall be punished with imprisonment for up to 5 years or detention.

[tags: fraud]

Art. 267.

Whoever pursues settled claims from a document or sells such a document shall be punished with imprisonment for up to 3 years.

[tags: document; sale of document; beguilement of settled claims]

Art. 268.

Whoever, exploiting compulsory situation of another person, enters with him or her into an agreement imposing on this person an obligation which is obviously incommensurate with the reciprocal performance shall be punished with imprisonment for up to 5 years or detention.

[tags: exploitation; compulsory situation]

Art. 269.

Whoever, dealing with the property of another person by virtue of a legal provision or contract, acts to his or her detriment shall be punished with imprisonment for up to 5 years.

[tags: abuse of confidence; acting to the detriment]

Art. 270.

§ 1. Whoever violates somebody else's right of hunting or fishery shall be punished with detention for up to 1 year or a fine.

§ 2. If the perpetrator acts professionally he or she shall be punished with imprisonment for up to 2 years.

[tags: right of hunting; right of fishery]

Art. 271.

Whoever, towards an owner of a forest, field, right of hunting or fishery or to a person authorized to protect such rights, uses violence or a criminal threat for the purpose of preventing the exercise or protection of this right, holding the violator in the act or taking away the instruments of crime shall be punished with imprisonment for up to 5 years or detention.

[tags: criminal threat; right of hunting; right of fishery; owner]

Art. 272.

§ 1. Whoever takes from another person, appropriates or damages somebody else's belonging of immaterial value shall be punished with detention for up to 2 years or a fine.

§ 2. Prosecution takes place on private indictment.

[tags: seizure of movable property; appropriation; damage of somebody else's belonging; immaterial value]

Chapter XL.

Crimes to the detriment of creditors.

Art. 273.

Whoever recklessly, by living a profligate life, gambling, entering into risky contracts, reducing or encumbering of his or her property worsens his or her material situation and is therefore announced insolvent or bankrupt shall be punished with detention for up to 3 years.

[tags: recklessness; insolvency; bankruptcy; reduction of property]

Art. 274.

Whoever, for the purpose of harming creditors, brings his or her insolvency or bankruptcy to be announced shall be punished with imprisonment for up to 5 years.

[tags: insolvency; bankruptcy; harming creditors]

Art. 275.

Whoever, for the purpose of harming creditors, worsens his or her material situation by profligate life, gambling, reducing or encumbering his or her property shall be punished with imprisonment for up to 3 years.

[tags: worsening of material situation; reduction of property]

Art. 276.

Whoever, for the purpose of harming creditors, conceals property items or draws sham obligations or enters onto sham contracts shall be punished with imprisonment for up to 5 years.

[tags: harming creditors; concealing property; sham contracts]

Art. 277.

Whoever, for the purpose of harming creditors, being unable to satisfy all of them, repays or secures only a few of them shall be punished with detention for up to 3 years.

[tags: harming creditors]

Art. 278.

Whoever assists a debtor in committing a crime specified in Articles 274, 275, 276 or 277 or, even without an agreement with the debtor, acts to the detriment of his or her creditors, is liable as the debtor.

[tags: assistance; acting to the detriment of creditors]

Art. 279.

§ 1. Whoever provides or promises to provide material benefits to a creditor for acting to the detriment of other creditors during proceedings of insolvency or aimed at prevention of insolvency shall be punished with imprisonment for up to 3 years.

§ 2. The same punishment shall apply to a creditor who, in the course of such proceedings, accepts material benefit for acting to the detriment of other creditors or demands the same.

[tags: harming creditors; acting to the detriment of creditors; bribery]

Art. 280.

Whoever, being obliged to keep trade books by law, fails to keep them or keeps them incorrectly shall be punished with detention for up to 6 months or a fine.

[tags: trade books]

Art. 281.

Whoever keeps trade books untruthfully or damages, conceals, modifies or falsifies trade books or documents shall be punished with imprisonment for up to 5 years.

[tags: falsifying trade books]

Art. 282.

Whoever, for the purpose of preventing execution, removes, damages, conceals, sells or encumbers property which is or is threatened to be seized shall be punished with imprisonment for up to 2 years or detention for up to 2 years.

[tags: preventing execution]

Art. 283.

§ 1. Whoever deceitfully or for the purpose of profit prevents a public tender or contributes to the removal of another person from taking part in such a tender or reduction in the sales price of auctioned property shall be punished with imprisonment for up to 2 years or detention for up to 2 years and a fine.

§ 2. The same punishment shall apply to a person entering into an agreement with another person in respect of acting at public tender which may result in material loss of a creditor or debtor.

[tags: public tender; preventing tender; agreement]

Art. 284.

Whoever, before the relevant authority, takes an untruthful oath in respect of his or her property shall be punished with imprisonment for up to 3 years or detention for up to 3 years.

[tags: untruthful oath]

Art. 285.

A person managing property affairs of another person by law or contract is responsible for crimes specified in this chapter as the property owner.

[tags: management of somebody else's affairs; extension of responsibility]

Chapter XLI.

Crimes of officials.

Art. 286.

§ 1. An official who, exceeding his or her authority or failing to fulfil his or her duty, acts to the detriment of public or private interest shall be punished with imprisonment for up to 5 years.

§ 2. If the perpetrator acts for the purpose of obtaining material or personal gain for himself or herself or for another person he or she shall be punished with imprisonment for up to 10 years.

§ 3. If the perpetrator acts unintentionally he or she shall be punished with detention for up to 6 months.

[tags: failure to fulfil duties; acting to the detriment]

Art. 287.

§ 1. An official who certifies untruthfulness in respect to circumstances of legal significance shall be punished with imprisonment for up to 5 years.

§ 2. If the perpetrator acts for the purpose of obtaining material or personal gain for himself or herself or for another person he or she shall be punished with imprisonment for up to 10 years.

[tags: certifying untruthfulness]

Art. 288.

An official who, by negligence in fulfilling his or her office, deprives a human being of liberty shall be punished with detention for up to 3 years.

[tags: negligence; deprivation of liberty]

Art. 289.

§ 1. An official who reveals official secrets to the detriment of the State shall be punished with imprisonment for up to 5 years.

§ 2. If the perpetrator acts for the purpose of obtaining material or personal gain for himself or herself or for another person he or she shall be punished with imprisonment for up to 10 years.

§ 3. If the perpetrator acts unintentionally he or she shall be punished with detention for up to 6 months.

[tags: official secrets; revealing secrets; material benefit; personal benefit]

Art. 290.

§ 1. An official who, in relation with fulfilling his or her official duties, accepts, for himself or herself or for another person, material or personal benefit or demands the same shall be punished with imprisonment for up to 5 years.

§ 2. If the perpetrator makes an official act dependent on the receipt, for himself or herself or for another person, of material or personal benefit or accepts such benefit or a promise of the same for an act which is or is to be contrary to a law shall be punished with imprisonment for up to 10 years.

[tags: bribery; passive bribery]

Art. 291.

If an official commits any crime during fulfilling his or her official duty or in relation with them the court may impose a penalty which is by half higher than the highest penalty prescribed for a given crime.

[tags: qualifying circumstances]

Art. 292.

The penalties specified in this chapter shall also apply to, except for officials in State of self-government service, persons performing commissioned acts in respect for State of self-government management, and officers of all public law institutions.

[tags: public officer; person performing public acts]

Art. 293.

Whoever persuades an official or another person specified in Article 292 to commit crimes determined in this chapter or provides him or her with assistance in committing these crimes shall be punished as an instigator or assistant.

[tags: persuasion; instigation; assistance]

Chapter XLII.

Final provisions

Art. 294.

The implementation of the Criminal Code shall be entrusted to the Minister of Justice.

[tags: delegating provision]

Art. 295.

This Regulation shall come into force simultaneously with the introductory provisions of the Criminal Code and the Law on Misdemeanours – as of 1 September 1932.

[tags: vacatio legis]

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